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# Changes in the Arctic: Background and Issues for Congress

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# Summary

The diminishment of Arctic sea ice has led to increased human activities in the Arctic, and has heightened interest in, and concerns about, the region's future. The United States, by virtue of Alaska, is an Arctic country and has substantial interests in the region.

Record low extents of Arctic sea ice over the past decade have focused scientific and policy attention on links to global climate change and projected ice-free seasons in the Arctic within decades. These changes have potential consequences for weather in the United States, access to mineral and biological resources in the Arctic, the economies and cultures of peoples in the region, and national security.

The five Arctic coastal states—the United States, Canada, Russia, Norway, and Denmark (of which Greenland is a territory)—have made or are in the process of preparing submissions to the Commission on the Limits of the Continental Shelf regarding the outer limits of their extended continental shelves. The Russian submission includes the underwater Lomonosov Ridge, a feature that spans a considerable distance across the center of the Arctic Ocean.

The diminishment of Arctic ice could lead in coming years to increased commercial shipping on two trans-Arctic sea routes—the Northern Sea Route close to Russia, and the Northwest Passage close to Alaska and through the Canadian archipelago—though the rate of increase in the use of these routes might not be as great as sometimes anticipated in press accounts. International guidelines for ships operating in Arctic waters have been recently updated.

Changes to the Arctic brought about by warming temperatures will likely allow more exploration for oil, gas, and minerals. Warming that causes permafrost to melt could pose challenges to onshore exploration activities. Increased oil and gas exploration and tourism (cruise ships) in the Arctic increase the risk of pollution in the region. Cleaning up oil spills in ice-covered waters will be more difficult than in other areas, primarily because effective strategies for cleaning up oil spills in ice-covered waters have yet to be developed.

Large commercial fisheries exist in the Arctic. The United States is currently meeting with other countries regarding the management of Arctic fish stocks. Changes in the Arctic could affect threatened and endangered species, and could result in migration of fish stocks to new waters. Under the Endangered Species Act, the polar bear was listed as threatened on May 15, 2008. Arctic climate change is also expected to affect the economies, health, and cultures of Arctic indigenous peoples.

Two of the Coast Guard's three polar icebreakers—*Polar Star* and *Polar Sea*—have exceeded their intended 30-year service lives, and *Polar Sea* is not operational. The Coast Guard has initiated a project to build up to three new heavy polar icebreakers. On May 12, 2011, representatives from the member states of the Arctic Council signed an agreement on cooperation on search and rescue in the Arctic.

Although there is significant international cooperation on Arctic issues, the Arctic is increasingly being viewed by some observers as a potential emerging security issue. Some of the Arctic coastal states, particularly Russia, have taken actions to enhance their military presences in the high north. U.S. military forces, particularly the Navy and Coast Guard, have begun to pay more attention to the region in their planning and operations.

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# Introduction

The diminishment of Arctic sea ice has led to increased human activities in the Arctic, and has heightened interest in, and concerns about, the region's future. Issues such as Arctic territorial disputes; commercial shipping through the Arctic; Arctic oil, gas, and mineral exploration; endangered Arctic species; and increased military operations in the Arctic could cause the region in coming years to become an arena of international cooperation, tension, or competition.

The United States, by virtue of Alaska, is an Arctic country and has substantial political, economic, energy, environmental, and other interests in the region. Decisions that Congress makes on Arctic-related issues could significantly affect these interests.

This report provides an overview of Arctic-related issues for Congress, and refers readers to more in-depth CRS reports on specific Arctic-related issues. Congressional readers with questions about an issue discussed in this report should contact the author or authors of the section discussing that issue. The authors are identified by footnote at the start of each section.

This report does not track legislation on specific Arctic-related issues. For tracking of legislative activity, see the CRS reports relating to specific Arctic-related issues that are listed at the end of this report, just prior to **Appendix A**.

# Background[1]

## Definitions of the Arctic

There are multiple definitions of the Arctic that result in differing descriptions of the land and sea areas encompassed by the term. Policy discussions of the Arctic can employ varying definitions of the region, and readers should bear in mind that the definition used in one discussion may differ from that used in another. This CRS report does not rely on any one definition.

### Arctic Circle Definition and Resulting Arctic Countries

The most common and basic definition of the Arctic defines the region as the land and sea area north of the Arctic Circle (a circle of latitude at about 66.34° North). For surface locations within this zone, the sun is generally above the horizon for 24 continuous hours at least once per year (at the summer solstice) and below the horizon for 24 continuous hours at least once per year (at the winter solstice).

The Arctic Circle definition includes the northernmost third or so of Alaska, as well as the Chukchi Sea, which separates that part of Alaska from Russia, and U.S. territorial and Exclusive Economic Zone (EEZ) waters north of Alaska. It does not include the lower two-thirds or so of Alaska or the Bering Sea, which separates that lower part of the state from Russia.

[1] Except for the subsection on the Arctic and the U.N. Convention on the Law of the Sea, this section was prepared by Ronald O'Rourke, Specialist in Naval Affairs, Foreign Affairs, Defense, and Trade Division.

The area within the Arctic Circle is about 14.5 million square kilometers, or about 5.6 million square miles.[2] This equates to about 2.8%, or about 1/36th, of the world's surface.[3] About 4 million people, or about 0.05% of the world's population, live in the Arctic, of which roughly half (roughly 2 million) live in Russia's part of the Arctic.[4]

Eight countries have territory north of the Arctic Circle: the United States (Alaska), Canada, Russia, Norway, Denmark (by virtue of Greenland, a member country of the Kingdom of Denmark), Finland, Sweden, and Iceland. These eight countries are often referred to as the Arctic countries, and they are the member states of the Arctic Council, which is discussed further below.

A subset of the eight Arctic countries are the five countries that are considered Arctic coastal states because they have mainland coasts that front onto waters north of the Arctic Circle: the United States, Canada, Russia, Norway, and Denmark (by virtue of Greenland).[5]

## Definition in Arctic Research and Policy Act (ARPA) of 1984

Section 112 of the Arctic Research and Policy Act (ARPA) of 1984 (Title I of P.L. 98-373 of July 31, 1984)[6] defines the Arctic as follows:

> As used in this title, the term "Arctic" means all United States and foreign territory north of the Arctic Circle and all United States territory north and west of the boundary formed by the Porcupine, Yukon, and Kuskokwim Rivers [in Alaska]; all contiguous seas, including the Arctic Ocean and the Beaufort, Bering, and Chukchi Seas; and the Aleutian chain.

This definition, which is codified at 15 U.S.C. 4111,[7] includes certain parts of Alaska below the Arctic Circle, including the Aleutian Islands and portions of central and western mainland Alaska, such as the Seward Peninsula and the Yukon Delta. The U.S. Coast Guard states that "The U.S. Arctic encompasses some 2,521 miles of shoreline, an international strait adjacent to the Russian Federation, and 647 miles of land border with Canada above the Arctic Circle. The U.S. Exclusive Economic Zone (EEZ) in the Arctic contains approximately 889,000 square miles of ocean."[8]

**Figure 1** below shows the Arctic area of Alaska as defined by ARPA; **Figure 2** shows the entire Arctic area as defined by ARPA.

---

[2] Source: Polar Discovery (Woods Hole Oceanographic Institution), "Arctic: Location and Geography," accessed October 24, 2018, at http://polardiscovery.whoi.edu/arctic/geography.html. This source states that 14.5 million square kilometers is equal to about 5.5 million square miles, but 14.5 million square kilometers equates to about 5.598 million square miles.

[3] The surface area of the world is approximately 510 million square miles. Source: Universe Today, "What is the Surface Area of the Earth?" February 10, 2017, accessed October 24, 2018, at https://www.universetoday.com/25756/surface-area-of-the-earth/.

[4] Sources: National Snow & Ice Data Center, "Arctic People," accessed October 24, 2018, at https://nsidc.org/cryosphere/arctic-meteorology/arctic-people.html; and United Kingdom, House of Commons, Defence Committee, On Thin Ice: UK Defence in the Arctic, Twelfth Report of Session 2017–19, August 15, 2018 (Ordered by the House of Commons to be printed 19 July 2018), p. 6.

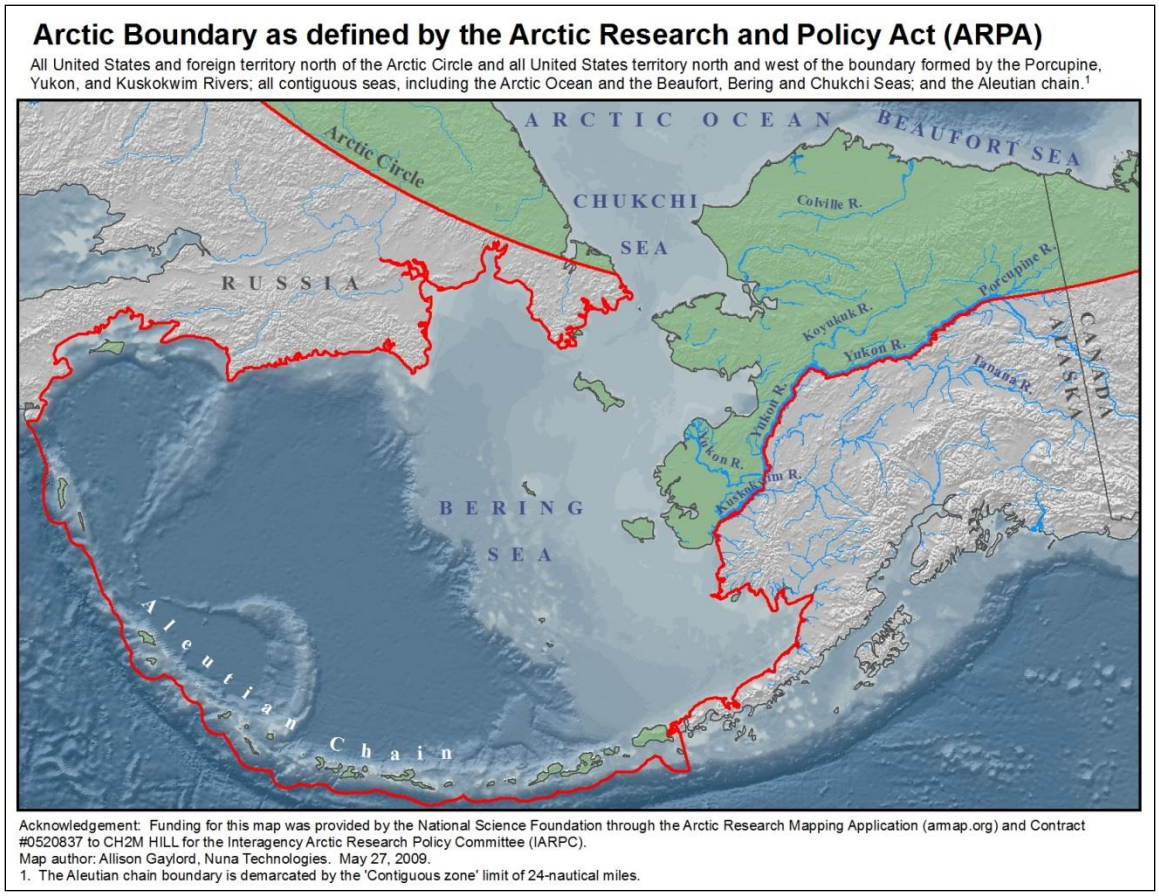
[5] The northern coast of mainland Iceland is just south of the Arctic Circle. The Arctic Circle passes through Grimsey Island, a small offshore island of Iceland that is about 25 miles north of the northern coast of mainland Iceland. See "Is Iceland in the Arctic Circle?" Iceland Unlimited, January 2017, accessed July 30, 2019, at https://icelandunlimited.is/blog/is-iceland-in-the-arctic-circle/.

[6] Title II of P.L. 98-373 is the National Critical Materials Act of 1984.

[7] As codified, the definition reads, "As used in this chapter.... "

[8] Coast Guard, *Arctic Strategic Outlook*, April 2019, p. 11.

**Figure 1. Arctic Area of Alaska as Defined by ARPA**




**Source:** U.S. Arctic Research Commission (http://www.arctic.gov/maps/ARPA_Alaska_only_150dpi.jpg, accessed on December 23, 2011).

## Other Definitions

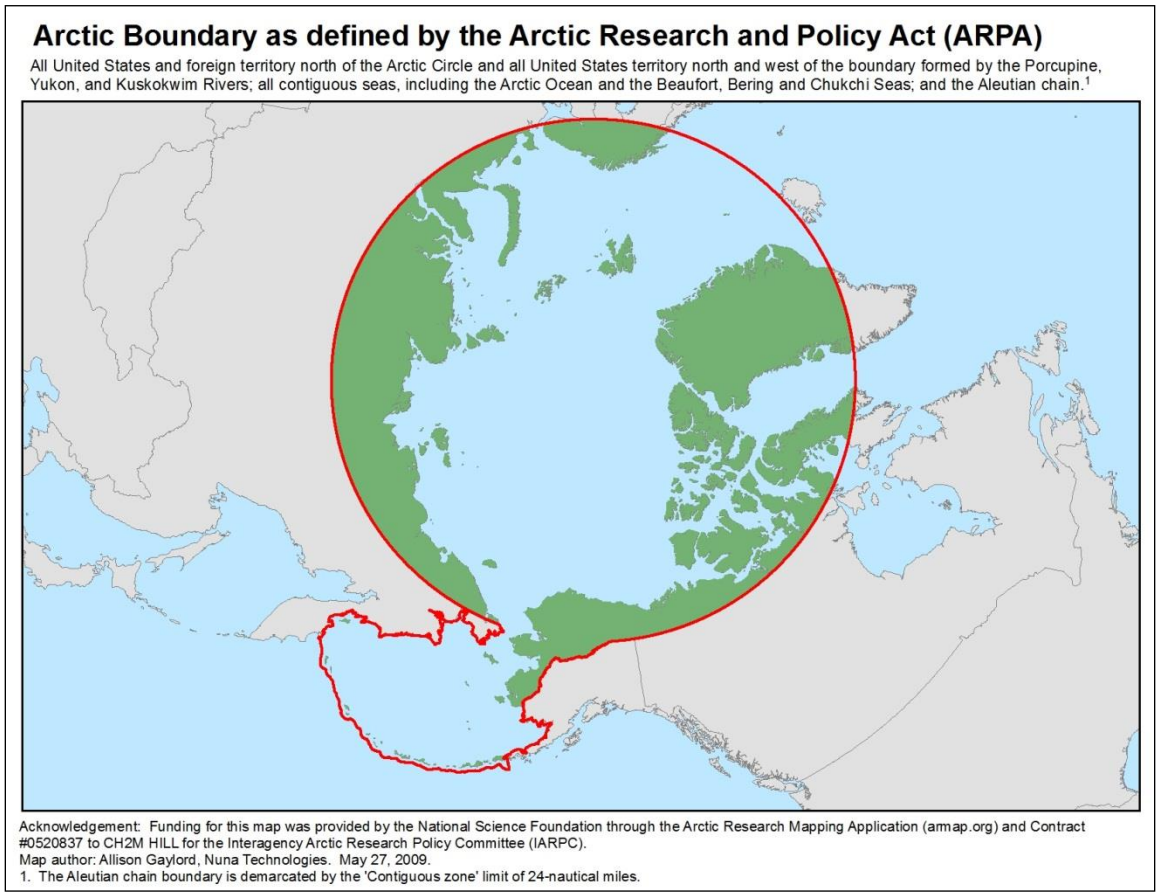
Other definitions of the Arctic are based on factors such as average temperature, the northern tree line, the extent of permafrost on land, the extent of sea ice on the ocean, or jurisdictional or administrative boundaries.[9] A definition based on a climate-related factor could circumscribe differing areas over time as a result of climate change.

The 10° C isotherm definition of the Arctic defines the region as the land and sea area in the northern hemisphere where the average temperature for the warmest month (July) is below 10° Celsius, or 50° Fahrenheit. This definition results in an irregularly shaped Arctic region that excludes some land and sea areas north of the Arctic Circle but includes some land and sea areas south of the Arctic Circle. This definition currently excludes all of Finland and Sweden, as well as

[9] For discussions and (in some cases) maps, see Susan Joy Hassol, *Impacts of a Warming Arctic* [Executive Summary]. Cambridge, Cambridge University Press, 2004, p. 4, available at http://amap.no/acia/; Oran R. Yong and Niels Einarsson, *Arctic Human Development Report*, Stefansson Arctic Institute, Akureyri, Iceland, 2004, pp. 17-18, available at http://www.svs.is/AHDR/AHDR%20chapters/English%20version/Chapters%20PDF.htm; and Hugo Ahlenius, editor in chief et al., *Vital Arctic Graphics, People and Global Heritage on Our Last Wild Shores*, UNEP/GRID-Arendal, Arendal, Norway, p. 6, available at http://www.grida.no/publications/vg/arctic/.

some of Alaska above the Arctic Circle, while including virtually all of the Bering Sea and Alaska's Aleutian Islands.[10]

**Figure 2. Entire Arctic Area as Defined by ARPA**




**Source:** U.S. Arctic Research Commission (http://www.arctic.gov/maps/ARPA_Polar_150dpi.jpg, accessed on December 23, 2011).

The definition of the Arctic adopted by the Arctic Monitoring and Assessment Programme (AMAP)—a working group of the Arctic Council—"essentially includes the terrestrial and marine areas north of the Arctic Circle (66°32' N), and north of 62° N in Asia and 60° N in North America, modified to include the marine areas north of the Aleutian chain, Hudson Bay, and parts of the North Atlantic, including the Labrador Sea." The AMAP website includes a map showing the Arctic Circle, 10o C isotherm, tree line, and AMAP definitions of the Arctic.[11]

Some observers use the term "high north" as a way of referring to the Arctic. Some observers make a distinction between the "high Arctic"—meaning, in general, the colder portions of the Arctic that are closer to the North Pole—and other areas of the Arctic that are generally less cold and further away from the North Pole, which are sometimes described as the low Arctic or the subarctic.

[10] A map showing the line that results from 10º isotherm definition is available at https://www.cia.gov/library/publications/the-world-factbook/reference_maps/pdf/arctic.pdf.

[11] See also map posted by the Arctic Council at https://arctic-council.org/images/PDF_attachments/Maps/boundaries.pdf.

## U.S. Identity as an Arctic Nation

As mentioned earlier, the United States, by virtue of Alaska, is an Arctic country and has substantial political, economic, energy, environmental, and other interests in the region. Even so, Alaska is geographically separated and somewhat distant from the other 49 states, and relatively few Americans—fewer than 68,000 as of July 1, 2017—live in the Arctic part of Alaska as shown in **Figure 2**.[12] A November 8, 2018, research paper on the Arctic in U.S. national identity, based on data collected in online surveys conducted in October and December 2017, stated the following:

> We found that Americans on average continue mildly to disagree with the canonical assertion of U.S. Arctic identity and interests as articulated in government policy. On a scale from 1 to 7, with higher numbers indicating stronger agreement, Americans' average rating was 3.51, up slightly from 3.16 in 2015, but still below the scale midpoint [of 4.0]. A plurality of respondents (27%) answered with a score of one, indicating the strongest disagreement. Men and older individuals showed greater inclination to agree with the assertion of Arctic identity and interests than women or younger respondents, a pattern also observed in 2015. No region of the country showed particularly greater inclination to agree or disagree, except Alaskans[, who] showed substantially greater agreement.
>
> We also conducted a series of comparative surveys and found that Canadians, with an average rating of 4.87, had a much greater sense of being an Arctic nation than did Americans. American respondents, however, did register somewhat higher agreement than British and Australians in judging their country an Arctic nation with strong Arctic interests. In a separate comparative survey, Americans indicated a stronger sense of being a Pacific nation than an Arctic one.[13]

## U.S. Arctic Research

### Arctic Research and Policy Act (ARPA) of 1984, As Amended

The Arctic Research and Policy Act (ARPA) of 1984 (Title I of P.L. 98-373 of July 31, 1984)[14] "provide[s] for a comprehensive national policy dealing with national research needs and objectives in the Arctic."[15] The act, among other things

- made a series of findings concerning the importance of the Arctic and Arctic research;

[12] Source for figure of fewer than 68,000: CRS analysis of data presented in Table 3.1, entitled Alaska Population by Region, Borough, and Census Area, 2017 to 2045, in Alaska Department of Labor and Workforce Development, Research and Analysis Section, *Alaska Population Projections: 2017 to 2045*, June 2018, p. 26. The table shows that of Alaska's estimated population as of July 1, 2017 of 737,080, a total of 589,680, of about 80%, resided in the Anchorage/Matanuska-Susitna region (401,649), the Fairbanks North Star Borough (97,738), the Kenai Peninsula Borough (58,024), and Juneau (32,269).

[13] Zachary D. Hamilla, *The Arctic in U.S. National Identity (2017)*, Arctic Studio, November 8, 2018, p. 1. See also Yereth Rosen, "Americans Still Aren't Fully Embracing the Nation's Arctic Identity, a New Survey Finds," *Arctic Today*, November 13, 2018.

[14] Title II of P.L. 98-373 is the National Critical Materials Act of 1984.

[15] These words are taken from the official title of P.L. 98-373. (Arctic Research and Policy Act of 1984 is the short title of Title I of P.L. 98-373.) The remainder of P.L. 98-373's official title relates to Title II of the act, the short title of which is the National Critical Materials Act of 1984.

- established the U.S. Arctic Research Commission (USARC) to promote Arctic research and recommend Arctic research policy;
- designated the National Science Foundation (NSF) as the lead federal agency for implementing Arctic research policy;
- established the Interagency Arctic Research Policy Committee (IARPC) to develop a national Arctic research policy and a five-year plan to implement that policy, and designated the NSF representative on the IARPC as its chairperson;[16] and
- defined the term "Arctic" for purposes of the act.

The Arctic Research and Policy Act of 1984 was amended by P.L. 101-609 of November 16, 1990. For the texts of the Arctic Research and Policy Act of 1984 and P.L. 101-609, see **Appendix A** and **Appendix B**, respectively.

## FY2020 NSF Budget Request for Arctic Research

### *Office of Polar Programs (OPP)*

NSF—the lead federal agency for implementing Arctic research policy—carries out Arctic research activities through its Office of Polar Programs (OPP), which operates as part of NSF's Directorate for Geosciences (GEO). NSF is requesting a total of $403.4 million for OPP for FY2020, a decrease of 24.5% from the $534.5 million requested for FY2019, and a decrease of 19.6 % from the $501.7 million actual for FY2018. Within the $403.4 million requested for OPP for FY2020 is $80.2 million requested for research in both the Arctic and Antarctic, a decrease of 29.4% from the $113.6 million requested for FY2019 and a decrease of 32.7% from the $119.2 million actual for FY2018. Also within the $403.4 million requested for OPP for FY2020 is $43.0 million requested for Arctic research and support logistics, an increase of 10.3% over the $39.3 million requested for FY2019, and a decrease 5.9% from the $45.7 million actual for FY2018.[17] Regarding its FY2020 budget request for OPP, NSF states that

> The Office of Polar Programs is the primary U.S. supporter of fundamental research in the polar regions. In the Arctic, NSF helps coordinate research planning as directed by the Arctic Research Policy Act of 1984, and the NSF Director chairs the Interagency Arctic Research Policy Committee (IARPC) created for this purpose….
>
> OPP supports investments in research and education and provides support for research infrastructure, such as permanent stations and temporary field camps in the Antarctic and the Arctic, including support for [NSF Big Ideas—NNA, WoU, and URoL.[18] OPP's FY 2020 Budget Request is influenced by three key priorities: (1) supporting critical facilities that enable frontier research in the Earth's polar regions; (2) maintaining strong disciplinary programs that provide a base for our investments in cross-disciplinary system science programs; and (3) maintaining U.S. research community activities in polar system science. These priorities reflect opportunities for fundamental scientific discovery uniquely

[16] The IARPC currently includes more than a dozen federal agencies, departments, and offices. Additional information on the IARPC is available at http://www.nsf.gov/od/opp/arctic/iarpc/start.jsp.

[17] National Science Foundation, *FY 2020 Budget Request to Congress*, March 18, 2019, p. OPP-1; and National Science Foundation, *FY 2019 Budget Request to Congress*, February 28, 2018, p. OPP-1. The dollar figures in this paragraph have been rounded to the nearest tenth of a million.

[18] NNA, WoU and URoL are three of NSF's 10 Big Ideas (i.e., its 10 "research agendas that identify areas at the frontiers of science and engineering which promise to be among the most transformative in the coming decade.") NNA, WoU, and URoL stand for Navigating the New Arctic, Windows on the Universe: The Era of Multi-messenger Astrophysics, and Understanding the Rules of Life: Predicting Phenotype, respectively.)

> possible in polar regions, as well as studies to investigate the causes and future trajectory of environmental and ecosystem changes now being observed at the poles that could impact global systems. This work will implement the Foundation's lead-agency role in facilitating the Nation's investment in polar science.
>
> In addition to shared cross-directorate basic research objectives, OPP investments will be guided by recent sponsored studies to identify priority areas and ensure effective polar research programs:
>
> • For the Arctic, IARPC's Arctic Research Plan: FY 2017-20211, and the World Meteorological Organization's Year of Polar Prediction Implementation Plan inform science investment priorities. Efforts to build an integrated research capacity to address the potential opportunities and challenges of Arctic change for the Nation's security and economics and well-being of Arctic residents will continue….
>
> **Major Investments**
>
> • OPP will support science in both polar regions…
>
> • In FY 2020, OPP will support research at $80.16 million. OPP will continue to support existing priority commitments, including… Arctic observing that received strong endorsement at the Arctic Science Ministerial, as well as new awards….
>
> OPP provides 46 percent of the federal funding for basic research at academic institutions in the polar sciences.[19]

## *Navigating the New Arctic (NNA)*

NSF states in the overview of its FY2020 budget request that "NSF continues to emphasize its 10 Big Ideas, research agendas that identify areas at the frontiers of science and engineering which promise to be among the most transformative in the coming decade. FY 2020 investments will build on progress made in prior years to seed or establish these Big Ideas."[20] Among the 10 big ideas, NSF states in its overview that number 6 is

> **Navigating the New Arctic (NNA)**—Establishing an observing network of mobile and fixed platforms and tools, including cyber tools, across the Arctic to document and understand the Arctic's rapid biological, physical, chemical, and social changes, in partnership with other agencies, countries, and native populations.[21]

For FY2020, NSF is requesting $43.0 million for NNA.[22] NSF states that NNA

> seeks innovations in Arctic observational networks and fundamental convergence research across the social, natural, environmental, computing and information sciences and engineering that address the intersection of natural, social, and built systems. By drawing upon expertise from across the agency, NNA investments will accelerate research needed to inform decisions regarding the economy, security, and resilience of the U.S. as an Arctic Nation. On the observing front, NNA will advance and address key gaps in the existing array of observational networks, leveraging resources with the Mid-scale RI Big Idea as appropriate. NNA will also support knowledge co-production with indigenous and local people to enhance observations in key areas. Interagency, state government, and international partnerships will be further developed in order to achieve pan-Arctic and Arctic-global perspectives.

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[19] National Science Foundation, *FY 2020 Budget Request to Congress*, March 18, 2019, p. OPP-1 to OPP-2.

[20] National Science Foundation, *FY 2020 Budget Request to Congress*, March 18, 2019, p. Overview-2.

[21] National Science Foundation, *FY 2020 Budget Request to Congress*, March 18, 2019, p. Overview-4. Emphasis as in original.

[22] National Science Foundation, *FY 2020 Budget Request to Congress*, March 18, 2019, p. NSF-Wide Investments–10.

NNA will provide support for research activities that advance understanding of the social changes underway, including shifting demographics, changing ways of life, and traditional ecological and other knowledge in danger of being lost. Researchers will also examine economic, cultural, and social impacts on groups and communities living in regions impacted by Arctic changes in order to better understand how the social, economic, and governance systems interact with infrastructure such as the delivery of services and access to resources. Findings from this research can help to anticipate social changes that are likely to emerge from increased economic activity.

NNA-supported data efforts will enable major advances in modeling and prediction of Arctic systems and their global interactions. Strong coupling of observations, computation, and theory will be supported to ensure progress. NNA will leverage investments through the HDR Big Idea by federating data systems supported by NSF and interagency and international partners so that data can be readily discovered, accessed, and interoperated to facilitate more rapid theory and idea development and testing.

NNA will build on NSF's STEM investments and the NSF INCLUDES Big Idea to encourage innovative and appropriately evaluated education and public engagement efforts that leverage exciting NNA science and inspire diverse participation in STEM. NSF plans to invest in NNA through FY 2023.

**Goals**

1. Improved understanding of Arctic change and its local and global effects that capitalize on innovative and optimized observation infrastructure, advances in understanding of fundamental processes, and new approaches to modeling interactions among the natural environment, built environment, and social systems.

2. New enhanced research communities that are diverse, integrative, and well-positioned to carry out productive research at the intersections of Arctic natural and built environments and social systems.

3. Research outcomes that inform U.S. national security and economic development needs in the Arctic and enable resilient, sustainable Arctic communities.

In FY 2017, NSF issued a Dear Colleague Letter (DCL) on the GCR Big Idea (NSF17-065) to explore Convergence approaches within four of the research-focused NSF Big Ideas including NNA. This DCL requested proposals for Research Coordination Networks (RCNs), workshops, and activities to enhance Arctic observational systems. In FY 2018, NSF issued a DCL on Stimulating Research Related to NNA (NSF18-048), requesting proposals for workshops, RCNs, and proposals be submitted to the Arctic Sciences program in OPP. NSF awarded 25 new projects under these two DCLs and related opportunities. In FY 2019, NSF issued a solicitation for NNA (NSF19-511) and plans to make approximately 25 awards to support research grants, and planning grants that develop convergence research teams.

**FY 2020 Investments**

NSF's NNA activities in FY 2020 will focus on enabling advances in priority areas, which will be developed by building on outcomes from FY 2017 – FY 2019 activities. In 2019, NNA focused on advances in observing technologies and convergent social/built/natural environment systems science. FY 2020 support for this investment will continue, and NSF expects to issue another solicitation in FY 2020.

NSF will also continue coordination and leveraging of NNA-related activities with external stakeholders, including other federal agencies through the Interagency Arctic Research Policy Committee chaired by the NSF Director, local residents and indigenous peoples through state and local governance structures of Alaska, as well as with international

> partners through fora such as the biannual International Arctic Science Ministerial. All of the identified FY 2020 NNA activities will support goals 1, 2, and 3.[23]

# Major U.S. Policy Documents Relating to the Arctic

## January 2009 Arctic Policy Directive (NSPD 66/HSPD 25)

On January 12, 2009 (i.e., eight days before its final day in office), the George W. Bush Administration released a presidential directive establishing a new U.S. policy for the Arctic region. The directive, dated January 9, 2009, was issued as National Security Presidential Directive 66/Homeland Security Presidential Directive 25 (NSPD 66/HSPD 25). The directive was the result of an interagency review, and it superseded for the Arctic (but not the Antarctic) a 1994 presidential directive on Arctic and Antarctic policy. The directive, among other things

- states that the United States is an Arctic nation, with varied and compelling interests in the region;
- sets forth a six-element overall U.S. policy for the region;
- describes U.S. national security and homeland security interests in the Arctic; and
- discusses a number of issues as they relate to the Arctic, including international governance; the extended continental shelf and boundary issues; promotion of international scientific cooperation; maritime transportation; economic issues, including energy; and environmental protection and conservation of natural resources.

For the text of NSPD 66/HSPD 25, see **Appendix C**.

## May 2013 National Strategy for Arctic Region

On May 10, 2013, the Obama Administration released a document entitled *National Strategy for the Arctic Region*.[24] The document appears to supplement rather than supersede the January 2009 Arctic policy directive (NSPD 66/HSPD 25) discussed above.[25] The executive summary of *National Strategy for the Arctic Region* begins by quoting the above statement from the previous May 2010 national security strategy document, and then states the following:

> The *National Strategy for the Arctic Region* sets forth the United States Government's strategic priorities for the Arctic region. This strategy is intended to position the United States to respond effectively to challenges and emerging opportunities arising from significant increases in Arctic activity due to the diminishment of sea ice and the emergence of a new Arctic environment. It defines U.S. national security interests in the Arctic region and identifies prioritized lines of effort, building upon existing initiatives by Federal, state, local, and tribal authorities, the private sector, and international partners, and aims to focus efforts where opportunities exist and action is needed. It is designed to meet the reality of a changing Arctic environment, while we simultaneously pursue our global

[23] National Science Foundation, *FY 2020 Budget Request to Congress*, March 18, 2019, pp. NSF-Wide Investments–10 to NSF-Wide Investments–11.

[24] *National Strategy for the Arctic Region*, May 2013, 11 pp.; accessed May 14, 2013, at https://obamawhitehouse.archives.gov/sites/default/files/docs/nat_arctic_strategy.pdf. The document includes a cover letter from President Obama dated May 10, 2013.

[25] *National Strategy for the Arctic Region* states on page 6 that the "lines of effort" it describes are to be undertaken "[t]o meet the challenges and opportunities in the Arctic region, and in furtherance of established Arctic Region Policy," at which point there is a footnote referencing the January 2009 Arctic policy directive.

objective of combating the climatic changes that are driving these environmental conditions. Our strategy is built on three lines of effort:

1. **Advance United States Security Interests** – We will enable our vessels and aircraft to operate, consistent with international law, through, under, and over the airspace and waters of the Arctic, support lawful commerce, achieve a greater awareness of activity in the region, and intelligently evolve our Arctic infrastructure and capabilities, including ice-capable platforms as needed. U.S. security in the Arctic encompasses a broad spectrum of activities, ranging from those supporting safe commercial and scientific operations to national defense.

2. **Pursue Responsible Arctic Region Stewardship** – We will continue to protect the Arctic environment and conserve its resources; establish and institutionalize an integrated Arctic management framework; chart the Arctic region; and employ scientific research and traditional knowledge to increase understanding of the Arctic.

3. **Strengthen International Cooperation** – Working through bilateral relationships and multilateral bodies, including the Arctic Council, we will pursue arrangements that advance collective interests, promote shared Arctic state prosperity, protect the Arctic environment, and enhance regional security, and we will work toward U.S. accession to the United Nations Convention on the Law of the Sea (Law of the Sea Convention).

Our approach will be informed by the following guiding principles:

• **Safeguard Peace and Stability** – Seek to maintain and preserve the Arctic region as an area free of conflict, acting in concert with allies, partners, and other interested parties. Support and preserve: international legal principles of freedom of navigation and overflight and other uses of the sea and airspace related to these freedoms, unimpeded lawful commerce, and the peaceful resolution of disputes for all nations.

• **Make Decisions Using the Best Available Information** – Across all lines of effort, decisions need to be based on the most current science and traditional knowledge.[26]

• **Pursue Innovative Arrangements** – Foster partnerships with the state of Alaska, Arctic states, other international partners, and the private sector to more efficiently develop, resource, and manage capabilities, where appropriate and feasible, to better advance our strategic priorities in this austere fiscal environment.

• **Consult and Coordinate with Alaska Natives** – Engage in a consultation process with Alaska Natives, recognizing tribal governments' unique legal relationship with the United States and providing for meaningful and timely opportunity to inform Federal policy affecting Alaskan Native communities.[27]

## January 2014 Implementation Plan for National Strategy for Arctic Region

On January 30, 2014, the Obama Administration released an implementation plan for the May 2013 national strategy for the Arctic region.[28] The plan states that it

[26] A footnote in the document at this point states the following: "Traditional knowledge refers to a body of evolving practical knowledge based on observations and personal experience of indigenous communities over an extensive, multigenerational time period." (BOEM Ocean Science, Vol. 9, Issue 2, May/April/June 2012, page 4).

[27] *National Strategy for the Arctic Region*, May 2013, pp. 2-3.

[28] *Implementation Plan for The National Strategy for the Arctic Region*, January 2014, 32 pp. The news release announcing the implementation plan is posted at http://www.whitehouse.gov/blog/2014/01/30/white-house-releases-implementation-plan-national-strategy-arctic-region. The document itself is posted at https://obamawhitehouse.archives.gov/sites/default/files/docs/ implementation_plan_for_the_national_strategy_for_the_arctic_region_-_fi.... pdf.

> complements and builds upon existing initiatives by Federal, State, local, and tribal authorities, the private sector, and international partners, and focuses efforts where opportunities exist and action is most needed. The Implementation Plan reflects the reality of a changing Arctic environment and upholds national interests in safety, security, and environmental protection, and works with international partners to pursue global objectives of addressing climatic changes.
>
> This Implementation Plan follows the structure and objectives of the Strategy's three lines of effort and is consistent with the guiding principles. The lines of effort of the Strategy and the Implementation Plan are as follows:
>
> • Advance United States Security Interests
>
> • Pursue Responsible Arctic Region Stewardship
>
> • Strengthen International Cooperation
>
> These lines of effort and guiding principles are meant to be implemented as a coherent whole.[29]

The plan also states the following:

> Climate change is already affecting the entire global population, and Alaska residents are experiencing the impacts in the Arctic. To ensure a cohesive Federal approach, implementation activities must be aligned with the Executive Order on Preparing the United States for the Impacts of Climate Change[30] while executing the Strategy. In addition to the guiding principles, the following approaches are important in implementing the activities across all of the lines of effort:
>
> • Foster Partnerships with Arctic Stakeholders. As outlined in the Strategy, all lines of effort must involve Arctic partners, particularly the State of Alaska and Alaska Natives in the Arctic region. Federal agencies, the State of Alaska, tribal communities, local governments, and academia will work with other nations, industry stakeholders, non-governmental organizations, and research partners to address emerging challenges and opportunities in the Arctic environment. The Federal Government should strive to maintain the free flow of communication and cooperation with the State of Alaska to support national priorities.
>
> • Coordinate and Integrate Activities across the Federal Government. Multiple Federal bodies currently have authority for Arctic policy (e.g., the National Ocean Council (NOC), Arctic Policy Group, and Interagency Arctic Research Policy Committee (IARPC)). The National Security Council Staff will develop an Executive Order through the interagency process to maximize efficiency, align interagency initiatives, and create unity of effort among all Federal entities conducting activities in the Arctic.[31]

The plan outlines about 36 specific initiatives. For each, it presents a brief statement of the objective, a list of next steps to be taken, a brief statement about measuring progress in achieving the objective, and the names of the lead and supporting federal agencies to be involved.

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[29] *Implementation Plan for The National Strategy for the Arctic Region*, January 2014, p. 1.

[30] The passage contains a footnote at this point stating that this executive order was signed by the President on November 1, 2013. It is Executive Order 13653. The text of the order is posted at http://www.gpo.gov/fdsys/pkg/FR-2013-11-06/pdf/2013-26785.pdf and http://www.whitehouse.gov/the-press-office/2013/11/01/executive-order-preparing-united-states-impacts-climate-change. A fact sheet about it is posted at http://www.whitehouse.gov/the-press-office/2013/11/01/fact-sheet-executive-order-climate-preparedness.

[31] *Implementation Plan for The National Strategy for the Arctic Region*, January 2014, p. 4.

On March 9, 2016, the Obama Administration released three documents discussing the implementation of the national strategy for the Arctic:[32] (1) a report entitled *2015 Year in Review—Progress Report on the Implementation of the National Strategy for the Arctic Region*;[33] (2) an appendix to that report entitled *Appendix A, Implementation Framework for the National Strategy for the Arctic Region*:[34] and (3) another appendix to that report entitled *Appendix B, Interagency Arctic Research Policy Committee 5-Year Plan Collaboration Teams: 2015 Summary of Accomplishments and 2016 Priorities*.[35]

## January 2015 Executive Order for Enhancing Coordination of Arctic Efforts

On January 21, 2015, then-President Obama issued Executive Order 13689, entitled "Enhancing Coordination of National Efforts in the Arctic." The order states the following in part:

> As the United States assumes the Chairmanship of the Arctic Council, it is more important than ever that we have a coordinated national effort that takes advantage of our combined expertise and efforts in the Arctic region to promote our shared values and priorities.
>
> As the Arctic has changed, the number of Federal working groups created to address the growing strategic importance and accessibility of this critical region has increased. Although these groups have made significant progress and achieved important milestones, managing the broad range of interagency activity in the Arctic requires coordinated planning by the Federal Government, with input by partners and stakeholders, to facilitate Federal, State, local, and Alaska Native tribal government and similar Alaska Native organization, as well as private and nonprofit sector, efforts in the Arctic....
>
> There is established an Arctic Executive Steering Committee (Steering Committee), which shall provide guidance to executive departments and agencies (agencies) and enhance coordination of Federal Arctic policies across agencies and offices, and, where applicable, with State, local, and Alaska Native tribal governments and similar Alaska Native organizations, academic and research institutions, and the private and nonprofit sectors....
>
> ... the Steering Committee will meet quarterly, or as appropriate, to shape priorities, establish strategic direction, oversee implementation, and ensure coordination of Federal activities in the Arctic....
>
> The Steering Committee, in coordination with the heads of relevant agencies and under the direction of the Chair, shall:
>
> (a) provide guidance and coordinate efforts to implement the priorities, objectives, activities, and responsibilities identified in National Security Presidential Directive

[32] For the text of the Obama Administration's announcement releasing these documents, see "Advancing Implementation of the National Strategy for the Arctic Region," March 9, 2016, accessed March 25, 2016, at https://www.whitehouse.gov/blog/2016/03/09/advancing-implementation-national-strategy-arctic-region.

[33] *2015 Year in Review—Progress Report on the Implementation of the National Strategy for the Arctic Region*, Prepared by the Arctic Executive Steering Committee, March 2016, 35 pp., accessed March 25, 2016, at https://obamawhitehouse.archives.gov/sites/whitehouse.gov/files/documents/Progress%20Report%20on%20the%20Implementation%20of%20the%20National%20Strategy%20for%20the%20Arctic%20Region.pdf.

[34] *Appendix A, Implementation Framework for the National Strategy for the Arctic Region*, March 2016, 33 pp., accessed March 25, 2016, at https://obamawhitehouse.archives.gov/sites/whitehouse.gov/files/documents/National%20Strategy%20for%20the%20Arctic%20Region%20Implementation%20Framework%20%28Appendix%20A%29%20Final.pdf.

[35] *Appendix B, Interagency Arctic Research Policy Committee 5-Year Plan Collaboration Teams: 2015 Summary of Accomplishments and 2016 Priorities*, undated, 13 pp., accessed March 25, 2016, at https://obamawhitehouse.archives.gov/sites/whitehouse.gov/files/documents/Appendix%20B%20IARPC%202015%20Annual%20Report.pdf.

> 66/Homeland Security Presidential Directive 25, Arctic Region Policy, the National Strategy for the Arctic Region and its Implementation Plan, and related agency plans;
>
> (b) provide guidance on prioritizing Federal activities, consistent with agency authorities, while the United States is Chair of the Arctic Council, including, where appropriate, recommendations for resources to use in carrying out those activities; and
>
> (c) establish a working group to provide a report to the Steering Committee by May 1, 2015, that:
>
> (i) identifies potential areas of overlap between and within agencies with respect to implementation of Arctic policy and strategic priorities and provides recommendations to increase coordination and reduce any duplication of effort, which may include ways to increase the effectiveness of existing groups; and
>
> (ii) provides recommendations to address any potential gaps in implementation....
>
> It is in the best interest of the Nation for the Federal Government to maximize transparency and promote collaboration where possible with the State of Alaska, Alaska Native tribal governments and similar Alaska Native organizations, and local, private-sector, and nonprofit-sector stakeholders. To facilitate consultation and partnerships with the State of Alaska and Alaska Native tribal governments and similar Alaska Native organizations, the Steering Committee shall:
>
> (a) develop a process to improve coordination and the sharing of information and knowledge among Federal, State, local, and Alaska Native tribal governments and similar Alaska Native organizations, and private-sector and nonprofit-sector groups on Arctic issues;
>
> (b) establish a process to ensure tribal consultation and collaboration, consistent with my memorandum of November 5, 2009 (Tribal Consultation). This process shall ensure meaningful consultation and collaboration with Alaska Native tribal governments and similar Alaska Native organizations in the development of Federal policies that have Alaska Native implications, as applicable, and provide feedback and recommendations to the Steering Committee;
>
> (c) identify an appropriate Federal entity to be the point of contact for Arctic matters with the State of Alaska and with Alaska Native tribal governments and similar Alaska Native organizations to support collaboration and communication; and
>
> (d) invite members of State, local, and Alaska Native tribal governments and similar Alaska Native organizations, and academic and research institutions to consult on issues or participate in discussions, as appropriate and consistent with applicable law.[36]

As stated in the above-quoted passage, Executive Order 13689, among other things, established an Arctic Executive Steering Committee (AESC) to "provide guidance to executive departments and agencies (agencies) and enhance coordination of Federal Arctic policies across agencies and offices, and, where applicable, with State, local, and Alaska Native tribal governments and similar Alaska Native organizations, academic and research institutions, and the private and nonprofit sectors." Regarding the AESC, a February 28, 2019, press report states the following: "Although the [executive] order has not been rescinded, the Trump administration has left the committee dormant for the past two years."[37]

[36] Executive order, "Enhancing Coordination of National Efforts in the Arctic," January 21, 2015, accessed January 21, 2015, at http://www.whitehouse.gov/the-press-office/2015/01/21/executive-order-enhancing-coordination-national-efforts-arctic.

[37] Melody Schreiber, "Two U.S. Bills Could Advance American Presence in the Arctic," *Arctic Today*, February 28, 2019.

### December 2017 National Security Strategy Document

The National Security Strategy document released by the Trump Administration in December 2017 mentions the term Arctic once, stating that that "A range of international institutions establishes the rules for how states, businesses, and individuals interact with each other, across land and sea, the Arctic, outer space, and the digital realm. It is vital to U.S. prosperity and security that these institutions uphold the rules that help keep these common domains open and free."[38]

## U.S. Special Representative for the Arctic (Currently Vacant)

On July 16, 2014, during the Obama Administration, then-Secretary of State John Kerry announced the appointment of retired Coast Guard Admiral Robert J. Papp Jr., who served as Commandant of the Coast Guard from May 2010 to May 2014, as the first U.S. Special Representative for the Arctic.[39] Under the Obama Administration, the duties of this position involved, among other things, interacting with ambassadors to the Arctic region from other countries. Papp served as the U.S. Special Representative until January 20, 2017, the final day of the Obama Administration and the first day of the Trump Administration; the position has been unfilled since then.

## Arctic Council

### Overview

The Arctic Council is the leading international forum for addressing issues relating to the Arctic. It was created in September 1996, following a series of meetings initiated by Finland in 1989.[40] Its founding document is the Ottawa Declaration of September 19, 1996, a joint declaration (not a treaty) signed by representatives of the eight Arctic states. The declaration states that the council "is established as a high level forum to," among other things, "provide a means for promoting cooperation, coordination and interaction among the Arctic States, with the involvement of the Arctic indigenous communities and other Arctic inhabitants on common Arctic issues, in particular issues of sustainable development and environmental protection in the Arctic…."[41]

The council describes itself on its website as "the leading intergovernmental forum promoting cooperation, coordination and interaction among the Arctic States, Arctic indigenous communities and other Arctic inhabitants on common Arctic issues, in particular on issues of sustainable development and environmental protection in the Arctic."[42] The State Department describes the

[38] *National Security Strategy of the United States of America*, December 2017, p. 40.

[39] See "Retired Admiral Robert Papp to Serve as U.S. Special Representative for the Arctic," Press Statement, John Kerry, Secretary of State, Washington, DC, July 16, 2014, accessed July 17, 2014, at http://www.state.gov/secretary/remarks/2014/07/229317.htm.

[40] See Arctic Council, "Finland," updated September 10, 2015, accessed July 30, 2019, at https://arctic-council.org/index.php/en/about-us/member-states/finland. The council states that "The establishment of the Arctic Council was preceded by the Arctic Environmental Protection Strategy (June 1991), a declaration on the protection of the Arctic environment." (Arctic Council, "Frequently Asked Questions," updated June 6, 2018, accessed July 30, 2019, at https://arctic-council.org/index.php/en/about-us/arctic-council/faq.)

[41] Arctic Council, "Ottawa Declaration (1996)," accessed July 30, 2019, at https://oaarchive.arctic-council.org/handle/11374/85.

[42] Arctic Council, "The Arctic Council: A Backgrounder," updated September 13, 2018, accessed July 30, 2019, at https://arctic-council.org/index.php/en/about-us.

council as "the preeminent intergovernmental forum for addressing issues related to the Arctic Region…. The Arctic Council is not a treaty-based international organization but rather an international forum that operates on the basis of consensus, echoing the peaceful and cooperative nature of the Arctic Region.[43]

Thematic areas of work addressed by the council include environment and climate, biodiversity, oceans, Arctic peoples, and agreements on Arctic scientific cooperation, cooperation on marine oil pollution preparedness and response in the Arctic, and cooperation on aeronautical and maritime search and rescue in the Arctic.[44] The Ottawa Declaration states explicitly that "The Arctic Council should not deal with matters related to military security."

## Organization and Operations

### *Eight Member States and Their Senior Arctic Officials (SAOs)*

The Arctic Council's membership consists of the eight Arctic states. Each member state is represented by a Senior Arctic Official (SAO), who is usually drawn from that country's foreign ministry. The SAOs meet at least twice per year.[45]

### *Indigenous Permanent Participants*

In addition to the council's eight member states, "six organizations representing Arctic indigenous peoples have status as Permanent Participants. The category of Permanent Participant was created to provide for active participation and full consultation with the Arctic indigenous peoples within the Council. They include: the Aleut International Association, the Arctic Athabaskan Council, Gwich'in Council International, the Inuit Circumpolar Council, Russian Association of Indigenous Peoples of the North and the Saami Council."[46]

### *Observers*

Thirteen non-Arctic states have been approved as observers to the council: Germany, the Netherlands, Poland, and the United Kingdom (approved in 1998); France (2000); Spain (2006); China, India, Italy, Japan, Singapore, and South Korea (2013); and Switzerland (2017). In addition, 14 intergovernmental and inter-parliamentary organizations and 12 nongovernmental organizations have been approved as observers, making for a total of 39 observer states or organizations.[47] The most recently added observer was the International Maritime Organization

[43] State Department, "Arctic Region," undated, accessed July 31, 2019, at https://www.state.gov/key-topics-office-of-ocean-and-polar-affairs/arctic/.

[44] Arctic Council, "Thematic Work," undated, accessed July 30, 2019, at https://arctic-council.org/index.php/en/our-work.

[45] Arctic Council, "Frequently Asked Questions," updated June 6, 2018, accessed July 30, 2019, at https://arctic-council.org/index.php/en/about-us/arctic-council/faq.

[46] Arctic Council, "The Arctic Council: A Backgrounder," updated September 13, 2018, accessed July 30, 2019, at https://arctic-council.org/index.php/en/about-us. The council states further that ""Out of a total of 4 million inhabitants of the Arctic, approximately 500,000 belong to indigenous peoples. Indigenous peoples' organizations have been granted Permanent Participants status in the Arctic Council. The Permanent Participants have full consultation rights in connection with the Council's negotiations and decisions. The Permanent Participants represent a unique feature of the Arctic Council, and they make valuable contributions to its activities in all areas." (Arctic Council, "Permanent Participants," updated March 22, 2017, accessed July 30, 2019, at https://arctic-council.org/index.php/en/about-us/permanent-participants.)

[47] Arctic Council, "Observers," updated May 23, 2019, accessed July 30, 2019, at https://arctic-council.org/index.php/

(IMO), which was added to the list of intergovernmental and inter-parliamentary observer organizations in 2019.

### *Working Groups*

The council's work is carried out primarily in six working groups that focus on Arctic contaminants; Arctic monitoring and assessment; conservation of Arctic flora and fauna; emergency prevention, preparedness and response; protection of the Arctic marine environment; and sustainable development.[48] The council may also establish task forces or expert groups for specific projects.

### *Secretariat*

The council's standing Secretariat formally became operational in June 2013 in Tromsø, Norway.[49]

### *Chairmanship*

The council has a two-year chairmanship that rotates among the eight member states. The United States held the chairmanship from April 24, 2015, to May 11, 2017, a period which began during the Obama Administration and continued into the first 16 weeks of the Trump Administration.[50] The United States had previously held the chairmanship from 1998 to 2000, and will next hold it in 2031-2033.[51] On May 11, 2017, the chairmanship was transferred from the United States to Finland. On May 7, 2019, it was transferred from Finland to Iceland, which will hold the position until May 2021.[52]

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en/about-us/arctic-council/observers.

[48] For more on the working groups, see Arctic Council, "Working Groups," updated September 10, 2015, accessed July 30, 2019, at https://arctic-council.org/index.php/en/about-us/working-groups.

[49] For more on the Secretariat, see Arctic Council, "The Arctic Counciul Secretariat," updated November 4, 2016, accessed July 30, 2019, at https://arctic-council.org/index.php/en/about-us/arctic-council/the-arctic-council-secretariat.

[50] See, for example, Yereth Rosen, "US Ends Arctic Council Chairmanship With Reluctance on Climate Action," *Alaska Dispatch News*, May 11, 2017.

[51] During the Obama Administration's portion of the period of U.S. chairmanship, the U.S. chairmanship team was led by then-Secretary of State John Kerry. The State Department during the Obama Administration listed nine additional members of the team, including retired Coast Guard Admiral Robert J. Papp Jr., U.S. Special Representative for the Arctic. ("Meet the U.S. Chairmanship Team," accessed September 29, 2015, at http://www.arctic-council.org/index.php/en/about-us/arctic-council/u-s-chairmanship.) The other eight members of the team were the Honorable Fran Ulmer, Special Advisor to the U.S. Secretary of State on Arctic Science and Policy; Ambassador David Balton, Chair of the Senior Arctic Officials; Julia Gourley, U.S. Senior Arctic Official (SAO); Dr. Nikoosh Carlo, Senior Advisor to the SAO Chair; Dr. Adrianna Muir, Deputy Senior Arctic Official; Nomi Seltzer, Arctic Affairs Advisor; Erin Robertson, Arctic Press and Public Affairs Officer; and Matthew Kastrinsky, Administrative Officer.

[52] See Arctic Council, "Arctic Council Ministers meet, pass Chairmanship from Finland to Iceland, Arctic States conclude Arctic Council Ministerial meeting by signing a joint statement," May 7, 2019, updated June 28, 2019, accessed July 30, 2019, at https://arctic-council.org/index.php/en/our-work2/8-news-and-events/521-arctic-council-ministers-meet-pass-chairmanship-from-finland-to-iceland.

The council states that "The theme of the Arctic Council Chairmanship program for [the Iceland chairmanship period of ] 2019-2021 reflects Iceland's commitment to the principle of sustainable development and refers to the necessity of close cooperation between the states and peoples of the region and beyond. With sustainable development as an overarching theme, Iceland will highlight four priorities: The Arctic Marine Environment, Climate and Green Energy Solutions, People and Communities of the Arctic, and a Stronger Arctic Council." (Arctic Council, "Iceland's Chairmanship 2019-2021," undated, accessed July 30, 2019, at https://arctic-council.org/index.php/en/about-us/arctic-council/iceland-chairmanship.)

### *Decisionmaking*

The council states that "All decisions of the Arctic Council and its subsidiary bodies are by consensus of the eight Arctic Member States."[53] More specifically, the council states that "Decisions at all levels in the Arctic Council are the exclusive right and responsibility of the eight Arctic States with the involvement of the Permanent Participants,"[54] and that "Arctic Council assessments and recommendations are the result of analysis and efforts undertaken by the Working Groups. Decisions of the Arctic Council are taken by consensus among the eight Arctic Council States, with full consultation and involvement of the Permanent Participants."[55]

### Limits of Arctic Council as a Governing Body

Regarding the limits of the Arctic Council as a governing body, the council states that

> The Arctic Council is a forum; it has no programming budget. All projects or initiatives are sponsored by one or more Arctic States. Some projects also receive support from other entities. The Arctic Council does not and cannot implement or enforce its guidelines, assessments or recommendations. That responsibility belongs to each individual Arctic State. The Arctic Council's mandate, as articulated in the Ottawa Declaration, explicitly excludes military security.[56]

## The Arctic and the U.N. Convention on Law of the Sea (UNCLOS)[57]

### Overview of UNCLOS

The United Nations Convention on the Law of the Sea (UNCLOS) "lays down a comprehensive regime of law and order in the world's oceans and seas[,] establishing rules governing all uses of the oceans and their resources."[58] It builds on four 1958 law of the sea conventions to which the United States, following Senate consent to ratification, became a party in 1961, and which entered force between 1962 and 1966.[59] All four treaties remain in force for the United States.[60]

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[53] Arctic Council, "Working Groups," updated September 10, 2015, accessed July 30, 2019, at https://arctic-council.org/index.php/en/about-us/working-groups.

[54] Arctic Council, "Observers," updated May 23, 2019, accessed July 30, 2019, at https://arctic-council.org/index.php/en/about-us/arctic-council/observers .

[55] Arctic Council, "The Arctic Council: A Backgrounder," updated September 13, 2018, accessed July 30, 2019, at https://arctic-council.org/index.php/en/about-us.

[56] Arctic Council, "The Arctic Council: A Backgrounder," updated September 13, 2018, accessed July 30, 2019, at https://arctic-council.org/index.php/en/about-us.

[57] Parts of this section were prepared by Marjorie Ann Browne, who was a Specialist in International Relations, Foreign Affairs, Defense, and Trade Division until her retirement from CRS on October 10, 2015.

[58] United Nations, "United Nations Convention on the Law of the Sea of 10 December 1982, Overview and full text," updated June 28, 2019, accessed August 2, 2019, at https://www.un.org/depts/los/convention_agreements/convention_overview_convention.htm.

[59] These are the Convention on the Territorial Sea and Contiguous Zone, which entered into force on September 10, 1964, the Convention on the Continental Shelf, which entered into force on 10 June 10, 1964, the Convention on the High Seas, which entered into force on September 30, 1962, and the Convention on Fishing and Conservation of Living Resources of the High Seas, which entered into force on March 20, 1966. The four 1958 treaties resulted from the first Conference on the Law of the Sea (UNCLOS I), which took place in 1958. (For additional discussion, see United Nations, "United Nations Conference on the Law of the Sea," undated, accessed August 2, 2019, at http://legal.un.org/diplomaticconferences/1958_los/, and United Nations, "1958 Geneva Conventions on the Law of the Sea," undated, accessed August 2, 2019, at http://legal.un.org/avl/ha/gclos/gclos.html.)

[60] See Department of State, *Treaties in Force, Section 2, Multilateral Treaties in Force as of January 1, 2019*, pp. 526,

UNCLOS was adopted in 1982 as the "culmination of more than 14 years of work involving participation by more than 150 countries representing all regions of the world, all legal and political systems and the spectrum of socio/economic development."[61] The treaty was modified in 1994 by an agreement relating to the implementation of Part XI of the treaty, which relates to the seabed and ocean floor and subsoil thereof that are beyond the limits of national jurisdiction. UNCLOS entered into force in November 1994. As of April 8, 2019, 168 nations were party to the treaty.[62] As discussed later in more detail, the United States is not a party to the treaty.

## Part VI of UNCLOS and Commission on Limits of Continental Shelf

Part VI of UNCLOS (consisting of Articles 76 through 85), which covers the continental shelf, and Annex II to the treaty, which established a Commission on the Limits of the Continental Shelf, are particularly pertinent to the Arctic, because Article 77 states that "The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources," and that these natural resources include, among other things, "mineral and other non-living resources of the seabed and subsoil," including oil and gas deposits.[63]

Article 76 states that "The continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles" if the outer edge of the continental margin does not extend up to that distance. Article 76 states that "the coastal State shall establish the outer edge of the continental margin wherever the margin extends beyond 200 nautical miles," and that "Information on the limits of the continental shelf beyond 200 nautical miles... shall be submitted by the coastal State to the Commission on the Limits of the Continental Shelf set up under Annex II.... The Commission shall make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf. The limits of the shelf established by a coastal State on the basis of these recommendations shall be final and binding."

Under Annex II, the commission reviews the information submitted by a coastal state and, by a two-thirds majority, approves its recommendations to the submitting state. If the submitting state disagrees with the commission's recommendations, it "shall, within a reasonable time, make a revised or new submission to the Commission."

## U.S. Not a Party to UNCLOS

As noted earlier, the United States is not a party to UNCLOS.[64] Although the United States is not a party to UNCLOS, the United States accepts and acts in accordance with the non-seabed mining

501, 525, and 516, respectively.

[61] United Nations, "United Nations Convention on the Law of the Sea of 10 December 1982, Overview and full text," updated June 28, 2019, accessed August 2, 2019, at https://www.un.org/depts/los/convention_agreements/convention_overview_convention.htm. More specifically, the treaty resulted from the Third United Nations Conference on the Law of the Sea (UNCLOS III), which took place between 1973 and 1982. For additional discussion, see United Nations, "Third United Nations Conference on the Law of the Sea," undated, accessed August 2, 2019, at http://legal.un.org/diplomaticconferences/1973_los/.

[62] Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements as of February 3, 2017, accessed December 13, 2018, at http://www.un.org/Depts/los/reference_files/chronological_lists_of_ratifications.htm#.

[63] Other parts of UNCLOS relevant to the Arctic include those relating to navigation and high-seas freedoms, fisheries, and exclusive economic zones.

[64] The United States is not a signatory to the treaty. On July 29, 1994, the United States became a signatory to the 1994

provisions of the treaty, such as those relating to navigation and overflight, which the United States views as reflecting customary international law of the sea.[65]

The United States did not sign UNCLOS when it was adopted in 1982 because the United States objected to the seabed mining provisions of Part XI of the treaty. Certain other countries also expressed concerns about these provisions.[66] The United Nations states that "To address certain difficulties with the seabed mining provisions contained in Part XI of the Convention, which had been raised, primarily by the industrialized countries, the Secretary-General convened in July 1990 a series of informal consultations which culminated in the adoption, on 28 July 1994, of the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982. The Agreement entered into force on 28 July 1996."[67]

The United States signed the 1994 agreement on July 29, 1994, and U.S. administrations since then have supported the United States becoming a party to UNCLOS. The United Nations includes the United States on a list of countries for which the 1994 agreement is in a status of "provisional application," as of November 16, 1994, by virtue of its signature.[68]

The 1982 treaty and the 1994 agreement were transmitted to the Senate on October 6, 1994, during the 103rd Congress, becoming Treaty Document 103-39. Subsequent Senate action on Treaty Document 103-39, as presented at Congress.gov,[69] can be summarized as follows:

- In 2004, during the 108th Congress, the Senate Foreign Relations Committee held hearings on Treaty Document 103-39 and reported it favorably with a resolution of advice and consent to ratification with declarations and understandings. No further action was taken during the 108th Congress, and the matter was re-referred to the committee at the sine die adjournment of the 108th Congress.

agreement relating to the implementation of Part XI of the treaty. The United States has not ratified either the treaty or the 1994 agreement.

[65] In a March 10, 1983, statement on U.S. oceans policy, President Reagan stated, President Reagan stated that "the United States is prepared to accept and act in accordance with the [treaty's] balance of interests relating to traditional uses of the oceans—such as navigation and overflight. In this respect, the United States will recognize the rights of other states in the waters off their coasts, as reflected in the Convention, so long as the rights and freedoms of the United States and others under international law are recognized by such coastal states." (Ronald Reagan Presidential Library & Museum, "Statement on United States Oceans Policy," undated, accessed August 2, 2019, at https://www.reaganlibrary.gov/research/speeches/31083c.)

[66] In a March 10, 1983, statement on U.S. oceans policy, President Reagan stated, "Last July, I announced that the United States will not sign the United Nations Law of the Sea Convention that was opened for signature on December 10. We have taken this step because several major problems in the Convention's deep seabed mining provisions are contrary to the interests and principles of industrialized nations and would not help attain the aspirations of developing countries. The United States does not stand alone in those concerns. Some important allies and friends have not signed the convention. Even some signatory states have raised concerns about these problems." (Ronald Reagan Presidential Library & Museum, "Statement on United States Oceans Policy," undated, accessed August 2, 2019, at https://www.reaganlibrary.gov/research/speeches/31083c.)

[67] United Nations, "Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982," updated September 2, 2016, accessed August 1, 2019, at https://www.un.org/depts/los/convention_agreements/convention_overview_part_xi.htm.

[68] United Nations, "Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982," status as of August 1, 2019, accessed August 1, 2019, at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXI-6-a&chapter=21&clang=_en.

[69] United Nations Convention on the Law of the Sea, Senate Consideration of Treaty Document 103-39, accessed July 31, 2019, at https://www.congress.gov/treaty-document/103rd-congress/39. For a timeline of selected key events relating to the treaty, see Department of State, "Law of the Sea Convention," March 7, 2019, accessed July 30, 2019, at https://www.state.gov/law-of-the-sea-convention/.

- In 2007, during the 110th Congress, the committee held hearings on Treaty Document 103-39 and reported it favorably with a resolution of advice and consent to ratification with declarations, understandings, and conditions. No further action was taken during the 110th Congress, and the matter was re-referred to the committee at the sine die adjournment of the 110th Congress.
- In 2012, during the 112th Congress, the committee held hearings on Treaty Document 103-39. No further action was taken during the 112th Congress.

The full Senate to date has not voted on the question of whether to give its advice and consent to ratification of Treaty Document 103-39. The latest Senate action regarding Treaty Document 103-39 recorded at Congress.gov is a hearing held by the Senate Foreign Relations Committee on June 28, 2012.

Supporters of the United States becoming a party to UNCLOS argue in connection with the Arctic that changing circumstances in the Arctic strengthen the case for the United States becoming a party, on the grounds that it would improve the ability of the United States to protect its interests in the Arctic, particularly in relation to navigation rights and the continental shelf.[70] Opponents of the United States becoming a party to UNCLOS argue in connection with the Arctic that "The U.S. does not need to join the convention in order to access oil and gas resources on its extended continental shelf, in the Arctic, or in the Gulf of Mexico. To the extent necessary, the U.S. can and should negotiate bilateral treaties with neighboring nations to demarcate the limits of its maritime and continental shelf boundaries…. The U.S. has successfully protected its interests in the Arctic since it acquired Alaska in 1867 and has done so during the more than 30 years that the convention has existed. The harm that would be caused by the convention's controversial provisions far outweighs any intangible benefit that allegedly would result from U.S. accession."[71]

The Obama Administration's January 2014 implementation plan for its national strategy for the Arctic region (see earlier section) included, as one of its 36 or so initiatives, one entitled "Accede to the Law of the Sea Convention." Under this initiative, the State Department and other federal agencies are to "continue to seek the Senate's advice and consent to accede to the Law of the Sea Convention." The document states that "the [Obama] Administration is committed, like the last three Administrations, to pursuing accession to the Convention on the Law of the Sea and will continue to place a priority on attaining Senate advice and consent to accession."[72]

The Trump Administration states that

> The United States strongly supports joining the Law of the Sea Convention, and doing so would help the United States maximize international recognition and legal certainty regarding the outer limits of the U.S. continental shelf. However, even for non-Parties to the Law of the Sea Convention, customary international law, as reflected in the Convention, confers rights and obligations relating to the continental shelf on a coastal State. This view is well supported in international law. The International Court of Justice,

[70] See, for example, Dermot Cole, "Scare Tactics on Sea Treaty Put US Arctic Interests at Risk," *Arctic Today*, June 17, 2019; Steve Haycox, "Why Signing the Law of the Sea Treaty Would Mean a Tougher U.S. Position in the Arctic," *Anchorage Daily News*, March 22, 2018; Ben Werner, "Zukunft: U.S. Presence in Arctic Won't Stop Chinese, Russian Encroachment Without Law of the Sea Ratification," *USNI News*, August 1, 2017; John Grady, "Senators Renew Call to Ratify Law of the Sea Treaty to Help Chart Future of the Arctic," *USNI News*, July 19, 2017.

[71] Theodore R. Bromund, James Jay Carafano, and Brett D. Schaefer, "7 Reasons U.S. Should Not Ratify UN Convention on the Law of the Sea," Heritage Foundation, June 4, 2018.

[72] *Implementation Plan for The National Strategy for the Arctic Region*, January 2014, p. 29.

> for instance, has already declared Article 76(1) to have the status of customary international law (Nicaragua v. Colombia, 2012). Article 76(1) provides that the continental shelf extends to "the outer edge of the continental margin or to a distance of 200 nautical miles," whichever is further. Paragraphs 2 through 7 of Article 76 set forth the detailed rules for determining the precise outer limits of the continental shelf in those areas where the continental margin extends beyond 200 nautical miles from shore. Like other countries, the United States is using Paragraphs 1 through 7 of Article 76 to determine its continental shelf limits, and considers these provisions to reflect customary international law. As a matter of customary international law, the United States also respects the continental shelf limits of other countries that abide by Article 76.[73]

Over the years, the United States has submitted observations on submissions to the Commission on the Limits of the Continental Shelf made by other states, requesting that those observations be made available online and to the commission. In addition, since 2001, the United States has gathered and analyzed data to determine the outer limits of its extended continental shelf.[74] Starting in 2007, this effort became the State Department's Extended Continental Shelf Project.[75]

### Potential Alternatives or Supplements to UNCLOS

Some observers over the years have occasionally suggested that a separate international legal regime be negotiated to address the changing circumstances in the Arctic. They argue that these changing circumstances were not envisioned at the time UNCLOS was negotiated. Other observers have occasionally suggested that the Arctic region above a certain parallel be designated a wilderness area. As precedent, they cite Article 4 of the Antarctic Treaty, under which any current claims to sovereign territory are frozen and

> No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force.

## House and Senate Arctic Caucuses

In the House, an Arctic Working Group Caucus is co-chaired by Representative Rick Larsen and Representative Don Young.[76] In the Senate, Senator Lisa Murkowski and Senator Angus King announced on March 4 and 5, 2015, the formation of a Senate Arctic Caucus.[77]

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[73] Department of State, "Frequently Asked Questions – U.S. Extended Continental Shelf Project," undated (although the parent web page https://www.state.gov/u-s-extended-continental-shelf-project/ leading to this FAQ page lists a date of March 18, 2019, for the FAQ page), accessed July 31, 2019, at https://www.state.gov/frequently-asked-questions-u-s-extended-continental-shelf-project/.

[74] See, for example, State Department, "Missions and Data – U.S. Extended Continental Shelf Program," undated (although the parent web page https://www.state.gov/u-s-extended-continental-shelf-project/ leading to this missions and data page lists a date of March 18, 2019, for the missions and data page), accessed July 31, 2019, at https://www.state.gov/missions-and-data-u-s-extended-continental-shelf-program/.

[75] For more information the Extended Continental Shelf Project, see https://www.state.gov/about-the-u-s-extended-continental-shelf-project/.

[76] Source: United States House of Representatives, Committee on House Administration, *Congressional Member Organizations (CMOs)*, 116th Cong., revised June 2019, p. 7, accessed July 31, 2019, at https://cha.house.gov/sites/democrats.cha.house.gov/files/documents/cmo_cso_docs/116th%20CMOs_06-03-2019.pdf.

[77] Press release from the office of Senator Angus King, "King, Murkowski Announce U.S. Senate Arctic Caucus," March 4, 2015, accessed March 17, 2015, at http://www.king.senate.gov/newsroom/press-releases/king-murkowski-announce-us-senate-arctic-caucus. See also press release from the office of Senator Lisa Murkowski, "Senators

# Issues for Congress

## Climate Change and Loss of Arctic Sea Ice[78]

Record low extents of Arctic sea ice in 2012 and 2007 have focused scientific and policy attention on climate changes in the high north, and on the implications of projected ice-free[79] seasons in the Arctic within decades. The Arctic has been projected by several scientists to be ice-free in most late summers as soon as the 2030s.[80] This opens opportunities for transport through the Northwest Passage and the Northern Sea Route, extraction of potential oil and gas resources, and expanded fishing and tourism (**Figure 3**).

More broadly, physical changes in the Arctic include warming ocean, soil, and air temperatures; melting permafrost; shifting vegetation and animal abundances; and altered characteristics of Arctic cyclones. All these changes are expected to affect traditional livelihoods and cultures in the region and survival of polar bear and other animal populations, and raise risks of pollution, food supply, safety, cultural losses, and national security. Moreover, linkages ("teleconnections") between warming Arctic conditions and extreme events in the mid-latitude continents are increasingly evident, identified in such extreme events as the heat waves and fires in Russia in 2010; severe winters in the eastern United States and Europe in 2009/2010 and in Europe in 2011/2012;[81] and Indian summer monsoons and droughts. Hence, changing climate in the Arctic suggests important implications both locally and across the Hemisphere.

Murkowski, King Announce U.S. Senate Arctic Caucus," March 5, 2015, accessed March 17, 2015, at http://www.murkowski.senate.gov/public/index.cfm/pressreleases?ID=1ce5edcb-540d-4c43-b264-56bdbb570755, which includes a similar phrase.

[78] This section prepared by Jane Leggett, Specialist in Energy and Environmental Policy, Resources, Science, and Industry Division.

[79] In scientific analyses, "ice-free" does not necessarily mean "no ice." The definition of "ice-free" or sea ice "extent" or "area" varies across studies. Sea ice "extent" is one common measure, equal to the sum of the area of grid cells that have ice concentration of less than a set percentage—frequently 15%. For more information, see the National Snow and Ice Data Center, http://nsidc.org/seaice/data/terminology.html.

[80] Muyin Wang and James E. Overland, "A Sea Ice Free Summer Arctic within 30 Years?," *Geophysical Research Letters* 36, no. L07502 (April 3, 2009): 10.1029/2009GL037820; Marika Holland, Cecilia M. Bitz, and Bruno Tremblay, "Future abrupt reductions in the summer Arctic sea ice," *Geophysical Research Letters* 33, no. L23503 (2006); But see also Julien Boé, Alex Hall, and Xin Qu, "Sources of spread in simulations of Arctic sea ice loss over the twenty-first century," *Climatic Change* 99, no. 3 (April 1, 2010): 637-645; I. Eisenman and J. S. Wettlaufer, "Nonlinear threshold behavior during the loss of Arctic sea ice," *Proceedings of the National Academy of Sciences* 106, no. 1 (January 6, 2009): 28-32; Dirk Notz, "The Future of Ice Sheets and Sea Ice: Between Reversible Retreat and Unstoppable Loss," *Proceedings of the National Academy of Sciences* 106, no. 49 (December 8, 2009): 20590-20595.

[81] Overland et al., state that "a warm Arctic-cold continent pattern represents a paradox of recent global warming: there is not a uniform pattern of temperature increases" due to a set of newly recognized processes described in Overland, J. E, K. R Wood, and M. Wang. "Warm Arctic-cold Continents: Climate Impacts of the Newly Open Arctic Sea." *Polar Research* 30 (2011). The authors raise a critical, unanswered question, "Is the observed severe mid-latitude weather in two adjacent years simply due to an extreme in chaotic processes alone, or do they included a partial but important Arctic forcing and connection due to recent changing conditions?" In other words, are recent patterns random anomalies, or might we expect more of the same?; among other examples, see also Lim, Young-Kwon, and Siegfried D. Schubert. "The Impact of ENSO and the Arctic Oscillation on Winter Temperature Extremes in the Southeast United States." *Geophysical Research Letters* 38, no. 15 (August 11, 2011): L15706.

**Figure 3. Arctic Sea Ice Extent in September 2008, Compared with Prospective Shipping Routes and Oil and Gas Resources**

**Source:** Graphic by Stephen Rountree at *U.S. News and World Report*, http://www.usnews.com/articles/news/world/2008/10/09/global-warming-triggers-an-international-race-for-the-artic/photos/#1.

Like the rest of the globe, temperatures in the Arctic have varied[82] but show a significant warming trend since the 1970s, and particularly since 1995.[83] The annual average temperature for the Arctic region (from 60° to 90° N) is now about 1.8° F warmer than the "climate normal" (the average from 1961 to 1990). Temperatures in October-November are now about 9° F above the seasonal normal. Scientists have concluded that most of the *global* warming of the last three decades is very likely caused by human-related emissions of greenhouse gases (GHG, mostly carbon dioxide); they expect the GHG-induced warming to continue for decades, even if, and after, GHG concentrations in the atmosphere have been stabilized. The extra heat in the Arctic is amplified by processes there (the "polar amplification") and may result in irreversible changes on human timescales.

The observed warmer temperatures along with rising cyclone size and strength in the Arctic have reduced sea ice extent, thickness, and ice that persists year-round ("perennial ice"); natural climate variability has likely contributed to the record low ice extents of 2007 and 2012. The 2007 minimum sea ice extent was influenced by warm Arctic temperatures and warm, moist winds blowing from the North Pacific into the central Arctic, contributing to melting and pushing ice toward and into the Atlantic past Greenland. Warm winds did not account for the near-record sea ice minimum in 2008.[84] In early August 2012, an unusually large storm with low pressure developed over the Arctic, helping to disperse the already weak ice into warmer waters and accelerating its melt rate. By August 24, 2012, sea ice extent had shrunk below the previous observed minimum of late September 2007.[85]

Modeling of GHG-induced climate change is particularly challenging for the Arctic, but it consistently projects warming through the 21st century, with annual average Arctic temperature increases ranging from +1° to +9.0° C (+2° to +19.0° F), depending on the GHG scenario and model used. While such warming is projected by most models throughout the Arctic, some models project slight cooling localized in the North Atlantic Ocean just south of Greenland and Iceland. Most warming would occur in autumn and winter, "with very little temperature change projected over the Arctic Ocean" in summer months.[86]

Due to observed and projected climate change, scientists have concluded that the Arctic will have changed from an ice-covered environment to a recurrent ice-free[87] ocean (in summers) as soon as the late 2030s. The character of ice cover is expected to change as well, with the ice being

[82] There was a regionally warm period in the Arctic from the mid-1920s to around 1940, which scientists have assessed to have been driven by natural climate variability. They have found that period to be distinctly different from the recent multi-decadal warming, in part because the early 20th century warming was concentrated in the northern high latitudes. See, for example, Figure 2, upper left graphic, in Geophysical Fluid Dynamics Laboratory, "Simulatoin of Early 20th Century Warming," at http://www.gfdl.noaa.gov/early-20th-century-global-warming.

[83] Steele, Michael, Wendy Ermold, and Jinlun Zhang. "Arctic Ocean Surface Warming Trends over the Past 100 Years." *Geophysical Research Letters* 35, no. 2 (January 29, 2008): L02614.

[84] J. Overland, J. Walsh, and M. Wang, *Arctic Report Card - Atmosphere* (NOAA Arctic Research Program, October 6, 2008), ftp://ftp.oar.noaa.gov/arctic/documents/ArcticReportCard_full_report2008.pdf.

[85] National Snow and Ice Data Center, "Arctic sea ice extent breaks 2007 record low" (August 27, 2012); Japanese Aerospace Exploration Agency, "A new record minimum of the Arctic sea ice extent was set on 24 August 2012"; Arctic ROOS (Norway), "Daily Updated Time series of Arctic sea ice area and extent derived from SSMI data provided by NERSC," at http://arctic-roos.org/observations/satellite-data/sea-ice/ice-area-and-extent-in-arctic.

[86] William L. Chapman and John E. Walsh, "Simulations of Arctic Temperature and Pressure by Global Coupled Models," *Journal of Climate* 20, no. 4 (February 1, 2007): 609-632.

[87] See footnote 79. Also, although one Canadian scientist has predicted that recurrent ice-free summers may begin sometime between 2013 and 2020, this is not consistent with other climate models' projections.

thinner, more fragile, and more regionally variable. The variability in recent years of both ice quantity and location could be expected to continue.

## Extended Continental Shelf Submissions, Territorial Disputes, and Sovereignty Issues[88]

### Extended Continental Shelf Submissions

Motivated in part by a desire to exercise sovereign control over the Arctic region's increasingly accessible oil and gas reserves (see "Oil, Gas, and Mineral Exploration"), the four Arctic coastal states other than the United States—Canada, Russia, Norway, and Denmark (of which Greenland is a territory)—have made or are in the process of preparing submissions to the Commission on the Limits of the Continental Shelf regarding the outer limits of their extended continental shelves.

Russia has been attempting to chart the Arctic Ocean's enormous underwater Lomonosov Ridge in an attempt to show that it is an extension of Russia's continental margin. The ridge spans a considerable distance across the Arctic Ocean. A 2001 submission by Russia was rejected as insufficiently documented. Canada views a portion of the ridge as part of its own continental shelf.[89]

In August 2007, a Russian submersible on a research expedition deposited an encased Russian Federation flag on the seabed of the presumed site of the North Pole. The action captured worldwide attention, but analysts note that it did not constitute an official claim to the Arctic seabed or the waters above it, that it has no legal effect, and that it therefore was a purely symbolic act.

At a May 2008 meeting in Ilulissat, Greenland, the five Arctic coastal states reaffirmed their commitment to the UNCLOS legal framework for the establishment of extended continental shelf limits in the Arctic.[90] (For further discussion, see "Extent of the Continental Margin" in "Oil, Gas, and Mineral Exploration.")

### Territorial Disputes and Sovereignty Issues

In addition to this process, there are four unresolved Arctic territorial disputes:

- Scientists have forecast that in coming decades, global warming will reduce the ice pack in Canada's northern archipelago sufficiently to permit ships to use the trans-Arctic shipping route known as the Northwest Passage during the summer months (see "Commercial Sea Transportation"). The prospect of such traffic raises a major jurisdictional question. Ottawa maintains that such a passage would be an inland waterway, and would therefore be sovereign Canadian territory subject to Ottawa's surveillance, regulation, and control. The United States, the European Union, and others assert that the passage would constitute an international strait between two high seas.

[88] This section was prepared by Carl Ek, who was a Specialist in International Relations, Foreign Affairs, Defense, and Trade Division, until his retirement on April 30, 2014. For questions relating to this section, contact Derek E. Mix, Analyst in European Affairs, Foreign Affairs, Defense, and Trade Division.

[89] "Russia, Canada Make Competing Claims To Arctic Resources," *The Canadian Press*, September 16, 2010.

[90] "5 Countries Agree To Talk, Not Compete, Over the Arctic," *New York Times*, May 29, 2008.

- The United States and Canada are negotiating over a binational boundary in the Beaufort Sea.
- The United States and Russia in 1990 signed an agreement regarding a disputed area of the Bering Sea; the U.S. Senate ratified the pact the following year, but the Russian *Duma* has yet to approve the accord.
- Denmark and Canada disagree over which country has the territorial right to Hans Island, a tiny, barren piece of rock between Greenland and Canada's Ellesmere Island. Some analysts believe the two countries are vying for control over a future sea lane that might be created if the Arctic ice were to melt sufficiently to create a Northwest Passage. Others claim that the governments are staking out territorial claims in the event that future natural resource discoveries make the region economically valuable.[91]

In addition to these disputes, Norway and Russia had been at odds for decades over the boundary between the two in the so-called "Grey Zone" in the Barents Sea, an area believed to hold rich undersea deposits of petroleum. On September 15, 2010, Norwegian Prime Minister Jens Stoltenberg and Russian President Dmitry Medvedev signed an agreement in Murmansk, a Russian city near the Norwegian border. The accord awards roughly half of the 175,000-square-kilometer area to each country; it spells out fishing rights, and provides for the joint development of future oil and gas finds that straddle the boundary line. Some observers believe it is noteworthy that Russia would concede sovereignty over such a large, resource-rich area to a small, neighboring country. But others have noted that Moscow may be hoping for Norwegian cooperation in developing offshore resources, and eventually in winning approval when Russia makes its Article 76 UNCLOS submission.[92]

In August 2010, Canadian Foreign Minister Lawrence Cannon announced a new "Statement of Canada's Arctic Policy," which reaffirmed the government's commitment to Canada's sovereignty in the region, to economic and social development, to environmental protection, and to empowerment of the peoples in the north. The statement also emphasized the government's intention to negotiate settlements to its disputes with the United States over the Beaufort Sea boundary, and with Denmark over Hans Island. Minister Cannon declared that "making progress on outstanding boundary issues will be a top priority."[93] Also, despite their dispute over Hans Island, Canada and Denmark have been working together on Arctic issues. In May 2010, the two countries' military chiefs of staffs signed a memorandum of understanding on Arctic Defense, Security, and Operational Cooperation, committing the two countries to "enhanced consultation, information exchange, visits, and exercises."[94]

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[91] For additional information, see Natalie Mychajlyszyn, *The Arctic: Geopolitical Issues*, Canadian Library of Parliament, October 24, 2008.

[92] "Russia, Norway Sign Deal On Barents Sea Border, Seek More Development in Mineral-rich Arctic," *Associated Press*, September 15, 2010.

[93] Cannon quoted in "Canada Seeks To Settle Arctic Borders," *Agence France Presse*, August 20, 2010. For additional information concerning Canada's August statement on Arctic policy, see "Statement on Canada's Arctic foreign policy: Exercising sovereignty and promoting Canada's Northern Strategy abroad," Foreign Affairs and International Trade Canada website, http://www.international.gc.ca/polar-polaire/canada_arctic_foreign_policy-la_politique_etrangere_du_canada_pour_arctique.aspx?lang=eng.

[94] "Canada and Denmark Sign Arctic Cooperation Arrangement," *Targeted News Service*, May 17, 2010.

# Commercial Sea Transportation[95]

## Background

The search for a shorter route from the Atlantic to Asia has been the quest of maritime powers since the Middle Ages. The melting of Arctic ice raises the possibility of saving several thousands of miles and several days of sailing between major trading blocs.[96] If the Arctic were to become a viable shipping route, the ramifications could extend far beyond the Arctic. For example, lower shipping costs could be advantageous for China (at least its northeast region), Japan, and South Korea because their manufactured products exported to Europe or North America could become less expensive relative to other emerging manufacturing centers in Southeast Asia, such as India.[97] Melting ice could potentially open up two trans-Arctic routes (see **Figure 3**):[98]

- **The Northern Sea Route** (NSR, a.k.a. the "Northeast Passage"), along Russia's northern border from Murmansk to Provideniya, is about 2,600 nautical miles in length. It was opened by the Soviet Union to domestic shipping in 1931 and to transit by foreign vessels in 1991. This route would be applicable for trade between northeast Asia (north of Singapore) and northern Europe. In recent summers, less than a handful of large, non-Russian-flagged cargo ships have transited the NSR.[99] Russia reportedly seeks to reserve carriage of oil and gas extracted along the NSR to Russian-flagged ships.[100]
- **The Northwest Passage** (NWP) runs through the Canadian Arctic Islands. The NWP actually consists of several potential routes. The southern route is through Peel Sound in Nunavut, which has been open in recent summers and contains mostly one-year ice. However, this route is circuitous, contains some narrow channels, and is shallow enough to impose draft restrictions on ships. The more northern route, through McClure Strait from Baffin Bay to the Beaufort Sea north of Alaska, is much more direct and therefore more appealing to ocean carriers, but more prone to ice blockage.[101] The NWP is potentially applicable for trade between northeast Asia (north of Shanghai) and the northeast of North America, but it is less commercially viable than the NSR.[102] Cargo ship transits have been extremely rare but cruise vessel excursions and research vessels are more common.

[95] This section prepared by John Frittelli, Specialist in Transportation Policy, Resources, Science, and Industry Division.

[96] Extended daylight hours in the Arctic during the summer may also be an advantage.

[97] Presentation by Stephen Carmel, Senior Vice President, Maersk Line Ltd., Halifax International Security Forum, *Arctic Security: The New Great Game?* November 21, 2009, available at http://fora.tv/.

[98] A third but more remote possibility is a route directly over the North Pole.

[99] Northern Sea Route Information Office; http://www.arctic-lio.com/.

[100] The Independent Barents Observer, "Icebreaking Tankers Have Course for Russia's New Arctic LNG Plant, And They All Carry Foreign Flags," December 11, 2017; https://thebarentsobserver.com/en/industry-and-energy/2017/12/icebreaking-tankers-have-course-russias-new-arctic-lng-plant-and-they.

[101] This was the route pioneered by the *SS Manhattan*, an oil tanker modified for ice breaking in 1969 to carry Alaskan North Slope oil to the Atlantic. This was the first commercial passage through the NWP, but the building of the Alaskan pipeline was found to be the more economical means of transporting oil from the North Slope to the lower 48 states.

[102] Although the NWP is often compared to the alternative route through the Panama Canal in terms of distance and sailing days from Asia to the U.S. east coast, another alternative to consider is the shorter and faster transcontinental rail route across Canada or the United States.

### *Destination Traffic, Not Trans-Arctic Traffic*

Most cargo ship activity currently taking place in the Arctic is to transport natural resources from the Arctic or to deliver general cargo and supplies to communities and natural resource extraction facilities. Thus, cargo ship traffic in the Arctic presently is mostly regional, not trans-Arctic. While there has been a recent uptick in Arctic shipping activity, this activity has more to do with a spike in commodity prices than it does with the melting of Arctic ice. Even so, fewer ships ply the Arctic seas now than in the past. The NSR continues to account for the bulk of Arctic shipping activity.

### *Unpredictable Ice Conditions Hinder Trans-Arctic Shipping*

Arctic waters do not necessarily have to be ice free to be open to shipping. Multiyear ice can be over 10 feet thick and problematic even for icebreakers, but one-year ice is typically 3 feet thick or less. This thinner ice can be more readily broken up by icebreakers or ice-class ships (cargo ships with reinforced hulls and other features for navigating in ice-infested waters). However, more open water in the Arctic has resulted in another potential obstacle to shipping: unpredictable ice flows. In the NWP, melting ice and the opening of waters that were once covered with one-year ice has allowed blocks of multiyear ice from farther north and icebergs from Greenland to flow into potential sea lanes. The source of this multiyear ice is not predicted to dissipate in spite of climate change. Moreover, the flow patterns of these ice blocks are very difficult to forecast.[103] Thus, the lack of ice in potential sea lanes during the summer months can add even greater unpredictability to Arctic shipping. This is in addition to the extent of ice versus open water, which is also highly variable from one year to the next and seasonally.

The unpredictability of ice conditions is a major hindrance for trans-Arctic shipping in general, but can be more of a concern for some types of ships than it is for others. For instance, it would be less of a concern for cruise ships, which may have the objective of merely visiting the Arctic rather than passing through and could change their route and itinerary depending on ice conditions. On the other hand, unpredictability is of the utmost concern for container ships that carry thousands of containers from hundreds of different customers, all of whom expect to unload or load their cargo upon the ship's arrival at various ports as indicated on the ship's advertised schedule. The presence of even small blocks of ice or icebergs from a melting Greenland ice sheet requires slow sailing and could play havoc with schedules. Ships carrying a single commodity in bulk from one port to another for just one customer have more flexibility in terms of delivery windows, but would not likely risk an Arctic passage under prevailing conditions.

Ice is not the sole impediment to Arctic shipping. The region frequently experiences adverse weather, including not only severe storms, but also intense cold, which can impair deck machinery. During the summer months when sea lanes are open, heavy fog is common in the Arctic.

Commercial ships would face higher operating costs on Arctic routes than elsewhere. Ship size is an important factor in reducing freight costs. Many ships currently used in other waters would require two icebreakers to break a path wide enough for them to sail through; ship owners could reduce that cost by using smaller vessels in the Arctic, but this would raise the cost per container or per ton of freight.[104] Also, icebreakers or ice-class cargo vessels burn more fuel than ships

[103] S.E.L. Howell and J.J. Yackel, "A Vessel Transit Assessment of Sea Ice Variability in the Western Arctic, 1969-2002: Implications for Ship Navigation," *Canadian Journal of Remote Sensing*, vol. 30, no. 2, 2004.

[104] "Arctic Unlikely to See Major Shipping Growth," *New Zealand Transport and Logistics Business Week*, April 24, 2008.

designed for more temperate waters and would have to sail at slower speeds. The shipping season in the Arctic only lasts for a few weeks, so icebreakers and other special required equipment would sit idle the remainder of the year. None of these impediments by themselves may be enough to discourage Arctic passage but they do raise costs, perhaps enough to negate the savings of a shorter route. Thus, from the perspective of a shipper or a ship owner, shorter via the Arctic does not necessarily mean cheaper and faster.[105]

### *Basic Navigation Infrastructure Is Lacking*

Considerable investment in navigation-related infrastructure would be required if trans-Arctic shipping were to become a reality. Channel marking buoys and other floating visual aids are not possible in Arctic waters because moving ice sheets will continuously shift their positions. Therefore, vessel captains would need to rely on marine surveys and ice charts. For some areas in the Arctic, however, these surveys and charts are out of date or not sufficiently accurate.[106] To remedy this problem, aviation reconnaissance of ice conditions and satellite images would need to become readily available for ship operators.[107] Ship-to-shore communication infrastructure would need to be installed where possible. Refueling stations may be needed, as well as, perhaps, transshipment ports where cargo could be transferred to and from ice-capable vessels at both ends of Arctic routes. Shipping lines would need to develop a larger pool of mariners with ice navigation experience. Marine insurers would need to calculate the proper level of risk premium for polar routes, which would require more detailed information about Arctic accidents and incidents in the past.

The U.S. Army Corps of Engineers, along with the state of Alaska, has studied the feasibility of a "deep-draft" port in the Arctic (accommodating ships with a draft of up to 35 feet). The northern and northwestern coastlines of Alaska are exceptionally shallow, generally limiting harbor and near-shore traffic to shallow-draft barges. Coast Guard cutters and icebreakers have drafts of 35 to 40 feet while NOAA research vessels have drafts of 16 to 28 feet, so at present these vessels are based outside the Arctic and must sail considerable distances to reach Arctic duty stations. Supply vessels supporting offshore oil rigs typically have drafts over 20 feet. A deep-draft port could serve as a base of operations for larger vessels, facilitating commercial maritime traffic in the Arctic.[108] The study concluded that the existing harbors of Nome or Port Clarence on Alaska's west coast may be the most suitable for deepening because of their proximity to the Bering Strait and deeper water.[109] However, at a July 2016 hearing, the Coast Guard indicated its preferred strategy was to rely on mobile assets (vessels and aircraft) and seasonal bases of operation rather than pursue a permanent port in the Arctic.[110]

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[105] Stephen M. Carmel, Senior Vice President, Maersk Line Ltd., "The Cold, Hard Realities of Arctic Shipping," *United States Naval Institute, Proceedings*; July 2013, pp. 38-41.

[106] In July and August 2010, NOAA surveyed the Bering Straits area in order to update its charts but stated that it will take more than 25 years to map the prioritized areas of navigational significance in U.S. Arctic waters. See http://www.noaanews.noaa.gov/stories2010/20100720_fairweather.html.

[107] Ice reporting that currently exists is intended for scientists not mariners.

[108] For further information, see http://www.poa.usace.army.mil/en/cw/AKPortsStudy.htm, and FY2013 USACE Budget Justification, p. POD-5.

[109] *Alaska Deep-Draft Arctic Port System Study*, March 2013; http://www.poa.usace.army.mil/Library/ReportsandStudies/AlaskaRegionalPortsStudy.aspx. The navigation channel at Nome presently ranges from 10 to 20 feet in depth. Much of the harbor at Port Clarence has a natural depth of 35 to 40 feet; http://www.charts.noaa.gov/OnLineViewer/AlaskaViewerTable.shtml.

[110] Oral testimony of Admiral Charles D. Michel, Coast Guard Vice Commandant, House Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, *Coast Guard Arctic Implementation*

The U.S. Committee on the Marine Transportation System, a Cabinet-level committee of federal agencies with responsibilities for marine transportation, identified a list of infrastructure improvements for Arctic navigation in a 2013 report.[111] The report prioritizes improvements to information infrastructure (weather forecasting, nautical charting, ship tracking) and emergency response capabilities for ships in distress.

### *Regulation of Arctic Shipping*

Due to the international nature of the shipping industry, maritime trading nations have adopted international treaties that establish standards for ocean carriers in terms of safety, pollution prevention, and security. These standards are agreed upon by shipping nations through the International Maritime Organization (IMO), a United Nations agency that first met in 1959.[112]

Key conventions that the 168 IMO member nations have adopted include the Safety of Life at Sea Convention (SOLAS), which was originally adopted in response to the *Titanic* disaster in 1912 but has since been revised several times; the Prevention of Pollution from Ships (MARPOL), which was adopted in 1973 and modified in 1978; and the Standards for Training, Certification, and Watchkeeping for Seafarers (SCTW), which was adopted in 1978 and amended in 1995. It is up to ratifying nations to enforce these standards. The United States is a party to these conventions, and the U.S. Coast Guard enforces them when it boards and inspects ships and crews arriving at U.S. ports and the very few ships engaged in international trade that sail under the U.S. flag.

Like the United States, most of the other major maritime trading nations lack the ability to enforce these regulations as a "flag state" because much of the world's merchant fleet is registered under so-called "flags of convenience." While most ship owners and operators are headquartered in major economies, they often register their ships in Panama, Liberia, the Bahamas, the Marshall Islands, Malta, and Cyprus, among other "open registries," because these nations offer more attractive tax and employment regulatory regimes. Because of this development, most maritime trading nations enforce shipping regulations under a "port state control" regime—that is, they require compliance with these regulations as a condition of calling at their ports. The fragmented nature of ship ownership and operation can be a further hurdle to regulatory enforcement. It is common for cargo ships to be owned by one company, operated by a second company (which markets the ship's space), and managed by a third (which may supply the crew and other services a ship requires to sail), each of which could be headquartered in different countries.

### *New Arctic Polar Code*

While SOLAS and other IMO conventions include provisions regarding the operation of ships in ice-infested waters, they were not specific to the polar regions. To supplement these requirements, a new IMO polar code went into effect on January 1, 2017.[113] The code applies to passenger and cargo ships of 500 gross tons or more engaged in international voyages. It does not apply to fishing vessels, military vessels, pleasure yachts, or smaller cargo ships. The polar requirements

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*Capabilities*, July 12, 2016.

[111] U.S. Committee on the Marine Transportation System, *U.S. Arctic Marine Transportation System: Overview and Priorities for Action*, 2013; http://www.cmts.gov/downloads/CMTS_Arctic_MTS_Report_Narrative.pdf.

[112] See http://www.imo.org/ for more information.

[113] http://www.imo.org/en/MediaCentre/HotTopics/polar/Pages/default.aspx.

are intended to improve safety and prevent pollution in the Arctic, and they include provisions on ship construction, ship equipment related to navigation, and crew training and ship operation. The code requires ships to carry fully or partially enclosed lifeboats. The code requires that the crew have training in ice navigation. Nations can enforce additional requirements on ships arriving at their ports or sailing through their coastal waters. For instance, U.S. Coast Guard regulations largely follow IMO conventions but mandate additional requirements in some areas. U.S. coastal states can require ships calling at their ports to take additional safety and pollution prevention safeguards.[114] Canada and Russia have additional pollution regulations for Arctic waters exceeding MARPOL. The U.S. Coast Guard has studied and has recommended a specific vessel traffic separation scheme for the Bering Strait between Alaska and Russia, which experiences over 400 transits per year.[115] The U.S. Coast Guard is seeking IMO approval of this routing scheme.

## Oil, Gas, and Mineral Exploration[116]

Decreases in summer polar ice may alter options for oil, gas, and mineral exploration in Arctic offshore or onshore areas. Offshore of Alaska, the U.S. outer continental shelf (OCS) covers more than 1 billion acres,[117] including some areas with high oil and gas potential. Even with warmer temperatures, exploration and development in the Arctic are still subject to harsh conditions, especially in winter. This makes it costly and challenging to develop the infrastructure necessary to produce, store, and transport oil, gas, and minerals from newly discovered deposits. Severe weather poses challenges to several ongoing offshore operations as well as to new exploration.

Offshore oil and gas exploration is affected by efforts to map the margins of the U.S. OCS. Shrinking sea ice cover in the Arctic has intensified interest in surveying and mapping the continental margins of multiple countries with lands in the Arctic. Delineating the extent of the continental margins beyond the 200 nautical mile Exclusive Economic Zone (EEZ) could lead to consideration of development on substantial amounts of submerged lands. Mapping projects are underway, by individual countries and through cooperative government studies, to support submissions to the Commission on the Limits of the Continental Shelf, including for areas that may contain large amounts of oil, natural gas, methane hydrates, or minerals.

With respect to onshore development, shrinking glaciers could expose land containing economic deposits of gold, iron ore, or other minerals previously covered by glacial ice. At the same time, warming that causes permafrost to melt could pose challenges to oil, gas, and mineral activities because ground structures, such as pipelines and other infrastructure that depend on footings sunk into the permafrost for support, could be compromised. In addition, warmer temperatures shorten the ice road transport seasons for oil, gas, and mineral development, creating transportation challenges.

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[114] For example, see Alaska State Legislature, HJR 19, Arctic Marine Safety Agreements; http://www.akleg.gov/basis/Bill/Detail/30?Root=HJR%2019.

[115] 82 *Federal Register* 11935, February 27, 2017.

[116] This section prepared by Laura Comay, Analyst in Natural Resources Policy, Resources, Science, and Industry Division; Peter Folger, Specialist in Energy and Natural Resources Policy, Resources, Science, and Industry Division; and Marc Humphries, Analyst in Energy Policy, Resources, Science, and Industry Division.

[117] This region includes some areas within the Arctic boundary as defined by the ARPA (15 U.S.C. 4111; see **Figure 1**), such as the Beaufort and Chukchi Seas, and some areas outside that boundary, such as Cook Inlet.

## Offshore Oil and Gas Exploration

The shrinking Arctic ice cap, or conversely, the growing amount of ice-free ocean in the summertime, has increased interest in exploring for offshore oil and gas in the Arctic. Reduced sea ice in the summer means that ships towing seismic arrays[118] can explore regions of the Arctic Ocean, Chukchi Sea, Beaufort Sea, and other offshore regions for longer periods of time with less risk of colliding with floating sea ice. Less sea ice over longer periods compared to previous decades also means that the seasonal window for offshore Arctic drilling remains open longer in the summer, increasing the chances for making a discovery.

In addition to the improved access to larger portions of the Arctic afforded by shrinking sea ice, interest in Arctic oil and gas was fueled by a 2008 U.S. Geological Survey (USGS) appraisal of undiscovered oil and gas north of the Arctic Circle.[119] The USGS stated that the "extensive Arctic continental shelves may constitute the geographically largest unexplored prospective area for petroleum remaining on Earth."[120] In the report, the USGS estimated that 90 billion barrels of oil, nearly 1,700 trillion cubic feet of natural gas, and 44 billion barrels of natural gas liquids may remain to be discovered in the Arctic (including both U.S. and international resources north of the Arctic Circle).[121] A 2009 article in *Science* magazine indicated that 30% of the world's undiscovered natural gas and 13% of the world's undiscovered oil may be found north of the Arctic Circle.[122] In terms of U.S. resources specifically, DOI's Bureau of Ocean Energy Management (BOEM) estimated in 2016 that the Alaska portions of the U.S. OCS contain undiscovered, technically recoverable resources of approximately 27 billion barrels of oil and 131 trillion cubic feet of natural gas (although not all of these resources may be economically viable to recover).[123] A 2015 report by the National Petroleum Council stated that U.S. offshore oil and gas exploration in the Arctic over the next 35 years "would help sustain domestic supplies as production of U.S. shale oil and tight oil may decline."[124]

Despite the warming trend in the Arctic, severe weather and sea ice continue to pose challenges to exploration. In addition, any discovery of new oil and gas deposits far from existing storage,

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[118] A seismic array is typically a long string or streamer of geophones—acoustic devices used for recording seismic signals—towed behind a ship while the ship traverses a prospective oil and gas-bearing portion of the seafloor. The seismic signals are processed and interpreted to give a cross-section or three-dimensional image of the subsurface.

[119] See USGS Circum-Arctic Resource Appraisal website at http://energy.usgs.gov/arctic/; and USGS Fact Sheet 2008-3049, *Circum-Arctic Resource Appraisal: Estimates of Undiscovered Oil and Gas North of the Arctic Circle*, at http://pubs.usgs.gov/fs/2008/3049/, hereinafter referred to as "USGS 2008 Fact Sheet."

[120] USGS 2008 Fact Sheet.

[121] USGS 2008 Fact Sheet, p. 1.

[122] Donald L. Gautier et al., "Assessment of Undiscovered Oil and Gas in the Arctic," *Science*, vol. 324, no. 5931, pp. 1175-1179 (2009); see also Energy Information Administration, "Today in Energy: Arctic Oil and Natural Gas Resources," January 20, 2012, at http://www.eia.gov/todayinenergy/detail.cfm?id=4650.

[123] Bureau of Ocean Energy Management, *2019-2024 Outer Continental Shelf Oil and Gas Leasing Draft Proposed Program*, January 2015, chapter 5, p. 9, at https://www.boem.gov/NP-Draft-Proposed-Program-2019-2024/, hereinafter cited as "BOEM 2019-2024 Draft Proposed Program." The draft proposed program estimated a range of resources that would be economically recoverable under various oil and gas price points and cost conditions.

[124] National Petroleum Council, *Arctic Potential: Realizing the Promise of U.S. Arctic Oil and Gas Resources*, March 2015, at http://www.npc.org/reports/research.html. The National Petroleum Council is a federally chartered and privately funded advisory committee composed of members from a range of oil and gas industries and related areas, whose purpose is to advise the Secretary of Energy on matters relating to oil and natural gas or to the oil and gas industries. The report was commissioned by then-Secretary of Energy Ernest Moniz during the Obama Administration. In summer 2018, Secretary of Energy Rick Perry commissioned an update of the report, which is in progress.

pipelines, and shipping facilities could not be developed until infrastructure is built to extract and transport the petroleum.

Some have expressed interest in expanding America's ocean energy portfolio in the region. Currently, among 15 federal planning areas in the region, the Beaufort Sea and Cook Inlet are the only two areas with active federal leases,[125] and only the Beaufort Sea has any producing wells in federal waters (from a joint federal-state unit).[126] The Trump Administration has stated its interest in promoting offshore development in the region. In January 2018, the Administration issued a draft five-year offshore oil and gas leasing program for 2019-2024 that would schedule lease sales in all 15 Alaska planning areas, including three sales in the Beaufort Sea and three in the Chukchi Sea.[127] Current lease sales on the Alaska OCS are governed by the Obama Administration's leasing program for 2017-2022, which includes one lease sale in the Cook Inlet (scheduled for 2021) and none in other Alaska planning areas.[128]

Activities on existing federal leases in the region have fluctuated as industry weighs changing oil prices, development costs, and regulations. For example, in 2015, Shell Oil Company announced its decision to cease exploration in offshore Alaska for the foreseeable future. Shell cited several reasons for the decision, including insufficient indications of oil and gas at its Burger J well in the Chukchi Sea, the high costs associated with Arctic exploration, and the "challenging and unpredictable" federal regulatory environment for offshore Alaska.[129] BOEM also reported that, between February and November 2016, companies relinquished more than 90% of leases they had held in the Beaufort and Chukchi Sea planning areas, in the midst of a slump in oil prices.[130] While there were 450 active leases in the Chukchi Sea planning area at the end of 2015, at the end of 2018 there were none.[131] More recently, some activities have indicated stronger industry interest in the region. For example, in November 2017, the Trump Administration approved an application for permit to drill (APD) on a lease in the Beaufort Sea held by the Eni U.S. Operating Company.[132] In October 2018, BOEM issued conditional approval to Hilcorp Alaska LLC for an oil and gas development and production plan in the Beaufort Sea, which would be the region's first production facility entirely in federal waters.[133]

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[125] Although part of BOEM's Alaska region, Cook Inlet lies outside the Arctic boundary as defined by the ARPA (15 U.S.C. 4111; see **Figure 1**).

[126] Bureau of Ocean Energy Management, "BP Exploration (Alaska) (BPXA)—Northstar," at http://www.boem.gov/About-BOEM/BOEM-Regions/Alaska-Region/Leasing-and-Plans/Plans/BP-North-Star.aspx.

[127] BOEM 2019-2024 Draft Proposed Program, p. 8.

[128] Bureau of Ocean Energy Management, *2017-2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program*, November 2016, at https://www.boem.gov/2017-2022-OCS-Oil-and-Gas-Leasing-PFP/, hereinafter cited as "BOEM 2017-2022 Proposed Final Program."

[129] Royal Dutch Shell, PLC, "Shell Updates on Alaska Exploration," press release, September 28, 2015, at http://www.shell.com/global/aboutshell/media/news-and-media-releases/2015/shell-updates-on-alaska-exploration.html.

[130] BOEM 2017-2022 Proposed Final Program, p. S-3.

[131] For 2015 data, see BOEM, "Combined Leasing Report, as of January 1, 2016," at https://www.boem.gov/Combined-Leasing-Reports-2016/. For 2018 data, see BOEM, "Combined Leasing Report, as of December 1, 2018," at https://www.boem.gov/December-2018-Combined-Leasing-Statistics/.

[132] Bureau of Safety and Environmental Enforcement (BSEE), "BSEE Approves New Drilling Operations in Arctic," press release, November 28, 2017, at https://www.bsee.gov/newsroom/latest-news/statements-and-releases/press-releases/bsee-approves-new-drilling-operations-in. The BSEE Director stated in the press release that "responsible resource development in the Arctic is a critical component to achieving American energy dominance."

[133] Department of the Interior press release, "Interior Approves Long-Awaited First Oil Production Facility in Federal Waters Offshore Alaska," October 24, 2018, at https://www.doi.gov/pressreleases/interior-approves-long-awaited-first-

The evolving federal regulatory environment for Arctic offshore activities has been shaped by concerns about industry's ability to respond to potential oil spills, given the region's remoteness and harsh conditions. The section of this report on "Oil Pollution Implications of Arctic Change" discusses this issue in greater detail. In July 2016, BOEM and the Bureau of Safety and Environmental Enforcement (BSEE) released final safety regulations for Arctic exploratory drilling that include multiple requirements for companies to reduce the risks of potential oil spills—for example, the requirement that companies have a separate rig available at drill sites to drill a relief well in case of a loss of well control.[134] Some Members of Congress and industry stakeholders opposed the regulations as overly prescriptive and unnecessarily burdensome, while other Members and environmental organizations asserted that the rules did not go far enough in protecting the region from potential environmental damage and addressing the potential contributions of Arctic oil and gas activities to climate change.[135] In a 2017 executive order, President Trump directed the Secretary of the Interior to review the Arctic regulations, and in 2018 the Department of the Interior announced work on rule revisions.[136] Legislation was introduced in the 115th Congress both to repeal the Obama Administration's version of the Arctic rule and, conversely, to codify it in law.[137]

Concerns about the impacts of oil and gas activities have led in the past to bans by both Congress and the President on leasing in certain Arctic Ocean areas deemed especially sensitive.[138] For example, congressional and presidential moratoria since the 1980s effectively banned federally regulated planning and permitting in the Bristol Bay area of the North Aleutian Basin. Congress allowed most statutory bans in the region to expire in 2004.[139] President Obama reinstated the moratorium in the North Aleutian Basin, indefinitely withdrawing acreage located in Bristol Bay from eligibility for oil and gas leasing.[140] Also, in December 2016, President Obama indefinitely withdrew from leasing disposition other large portions of the U.S. Arctic, including the entire

oil-production-facility-federal-waters-offshore.

[134] Department of the Interior, "Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf," 81 *Federal Register* 46477, July 15, 2016.

[135] For differing congressional viewpoints, see U.S. Congress, House Committee on Natural Resources, Subcommittee on Energy and Mineral Resources, hearing on Arctic Resources and American Competitiveness, 114th Cong., 1st sess., June 16, 2015, at http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=398713.

[136] Executive Order 13795, "Implementing an America-First Offshore Energy Strategy," April 28, 2017, at https://www.govinfo.gov/content/pkg/FR-2017-05-03/pdf/2017-09087.pdf. For the DOI announcement, see Department of the Interior, "Semiannual Regulatory Agenda," 83 *Fed. Reg.* 58039, November 16, 2018.

[137] For example, in the 115th Congress, H.R. 4239, the SECURE American Energy Act, would have provided that the Arctic rule would have no force or effect. Conversely, S. 2720, the Clean Coasts Act, would have enacted the regulation into law.

[138] Section 12(a) of the Outer Continental Shelf Lands Act (43 U.S.C. §1341(a)) authorizes the President to, "from time to time, withdraw from disposition any of the unleased lands of the outer Continental Shelf."

[139] FY2004 DOI Appropriations (P.L. 108-108). Furthermore, the Continuing Appropriations Resolution 2009 (P.L. 110-329) did not extend the annual congressional moratorium on oil and gas leasing activities in the lower 48 states. On March 11, 2009, the Omnibus Appropriations Act, 2009 (P.L. 111-8) was enacted without moratorium provisions, confirming that the congressional oil and gas development bans in federal waters along the Atlantic and Pacific coasts, parts of Alaska, and the Gulf of Mexico that had been in place since 1982 had not been restored in 2009 appropriations measures.

[140] Presidential Memorandum, "Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition," December 16, 2014, at http://www.whitehouse.gov/the-press-office/2014/12/16/presidential-memorandum-withdrawal-certain-areas-united-states-outer-con. Earlier, President Obama had withdrawn the area from leasing for a time-limited period. Presidential Memorandum, "Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition," March 31, 2010, at http://www.doi.gov/whatwedo/energy/ocs/upload/2010alaska-mem-rel.pdf.

Chukchi Sea planning area and almost all of the Beaufort Sea planning area.[141] President Obama separately withdrew from leasing consideration planning areas in the North Bering Sea.[142] In April 2017, President Trump issued Executive Order 13795, which modified President Obama's withdrawals so as to open all of these areas for leasing consideration except for the North Aleutian Basin.[143]

## Extent of the Continental Margin

Increased interest in developing offshore resources in the Arctic has sparked efforts by nations bordering the Arctic Ocean to map the extent of their continental margins beyond the 200-mile EEZ limit. As discussed earlier, under Article 76 of UNCLOS, nations can make a submission to the Commission on the Limits of the Continental Shelf (hereinafter referred to as the Commission) concerning the extent of their continental shelves. Under Article 76, the extent of the continental margin beyond the 200-mile limit depends on the position of the foot of the continental slope, the thickness of sediments, and the depth of water. Also, the continental margin could include geologic features that extend from the continent out to sea, which may include undersea ridges continuing for hundreds of miles offshore.

Arctic border countries have conducted complex investigations needed to support submissions to the Commission for an extended continental shelf in the Arctic. Submissions have been made by several countries, including the Russian Federation, which made its initial UNCLOS submission to a portion of the Arctic continental shelf in 2001.[144] Russia's 2001 submission included the Lomonosov Ridge, an undersea feature spanning the Arctic from Russia to Canada, as an extension of its continental margin. The submission demonstrated Russia's bid to extend activities in Arctic regions. The Russian Federation presented a revised submission in 2015 to the Commission that included not only the Lomonosov Ridge but also the Mendeleev Rise—another subsea feature claimed by Russia to be a natural part of their continental margin—as components of the extended Russian continental shelf.[145] The Commission has not rendered a decision on the revised Russian Federation submission as of early 2018.

The United States has started to gather and analyze data for a potential submission through an initiative called the Extended Continental Shelf (ECS) Project.[146] The U.S. ECS project has also

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[141] Presidential Memorandum, "Withdrawal of Certain Portions of the United States Arctic Outer Continental Shelf from Mineral Leasing," December 20, 2016, at https://www.whitehouse.gov/the-press-office/2016/12/20/presidential-memorandum-withdrawal-certain-portions-united-states-arctic. Earlier, President Obama had indefinitely withdrawn from leasing disposition certain smaller areas in the Beaufort and Chukchi Seas, including the Hanna Shoal region of the Chukchi Sea and other areas. Presidential Memorandum, "Withdrawal of Certain Areas of the United States Outer Continental Shelf Offshore Alaska from Leasing Disposition," January 27, 2015, at http://www.whitehouse.gov/the-press-office/2015/01/27/presidential-memorandum-withdrawal-certain-areas-united-states-outer-con.

[142] Executive Order 13754, "North Bering Sea Climate Resilience," December 9, 2016, at https://www.gpo.gov/fdsys/pkg/FR-2016-12-14/pdf/2016-30277.pdf.

[143] Executive Order 13795, "Implementing an America-First Offshore Energy Strategy," April 28, 2017, at https://www.gpo.gov/fdsys/pkg/FR-2017-05-03/pdf/2017-09087.pdf. For additional discussion, see CRS Legal Sidebar WSLG1799, *Trump's Executive Order on Offshore Energy: Can a Withdrawal be Withdrawn?*

[144] United Nations, Division for Ocean Affairs and the Law of the Sea, http://www.un.org/depts/los/clcs_new/commission_submissions.htm. Denmark and Norway also submitted claims to portions of the Arctic continental shelf. In 2009, the Commission approved Norway's submission.

[145] United Nations, "Partial Revised Submission of the Russian Federation to the Commission on the Limits of the Continental Shelf in Respect of the Continental Shelf of the Russian Federation in the Arctic Ocean," 2015, http://www.un.org/Depts/los/clcs_new/submissions_files/rus01_rev15/2015_08_03_Exec_Summary_English.pdf.

[146] The purpose of the U.S. Extended Continental Shelf (ECS) Project is to establish the full extent of the continental shelf of the United States, consistent with international law. The work to delineate the ECS is coordinated by the ECS

assisted more than 30 countries with their efforts to delineate their extended continental shelves worldwide.[147] Canada and the United States share overlapping regions of the seabed as part of the extended continental margin of both nations. Much of the data to delineate the ECS for both countries was collected in a two-ship operation involving the U.S. Coast Guard Cutter *Healy* and the Canadian Coast Guard ship *Louis S. Saint Laurent*.[148] The two-ship operation collected more than 13,000 linear kilometers (about 8,078 miles) of seismic data over four field seasons in the Arctic beginning in 2007. The data collected will help each country delineate the extent of their own ECS, which should then enable the countries to determine the amount of overlap in the seabed and ultimately establish a maritime boundary in the Arctic.[149]

The United States also has potentially overlapping ECS areas with Russia. Russia (then the Soviet Union) and the United States agreed to a maritime boundary in 1990, and so far Russia has not asserted its ECS in any areas that might be considered part of the U.S. ECS.[150]

## Onshore Mineral Development

A warming Arctic means new opportunities and challenges for mineral exploration and development onshore. Receding glaciers expose previously ice-covered land that could host economic mineral deposits that were previously undetectable and unmineable below the ice. Longer summers would also extend exploration seasons for areas that are not currently ice-covered but are only accessible for ground surveys during the warmer months. In some parts of the Arctic, such as Baffin Island, Canada, less sea ice allows ships to transport heavy equipment to remote locations, and to convey ore from mines to the market further south. Some railway and mining operators are considering developing railroads and other infrastructure to transport ore year-round.[151] As with onshore oil and gas development, however, mining infrastructure that depends on footings sunk into permafrost could become unstable if the permafrost melts in response to warmer temperatures.[152] Also, as with oil and gas development, mineral deposits that may be technically recoverable with current technology may not be economically profitable.

Some industry commentators suggest that mining might offer better long-term economic development opportunities compared to oil and gas development because of a larger permanent workforce and project lifetimes of several decades.[153] Similar to oil and gas, however, industry

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Task Force, located at the National Oceanic and Atmospheric Administration's (NOAA's) National Centers for Environmental Information in Boulder, CO. The Department of State, U.S. Geological Survey (USGS), and NOAA conduct the majority of work on the project. NOAA has the lead in collecting bathymetric data. USGS has the lead in collecting seismic data. For more information, see the project's website at https://www.state.gov/e/oes/ocns/opa/ecs/index.htm.

[147] U.S. ECS Project, https://www.state.gov/e/oes/ocns/opa/ecs/support/index.htm.

[148] Ibid.

[149] Ibid.

[150] The Senate gave advice and consent to ratify the maritime boundary agreement in 1991. Although the Russian Duma has not approved the agreement, both countries continue to provisionally apply the boundary agreement. See U.S. Extended Continental Shelf Project, https://www.state.gov/e/oes/ocns/opa/ecs/support/index.htm.

[151] Carolyn Fitzpatrick, "Heavy Haul in the High North," *Railway Gazette International* (July 24, 2008), at http://www.railwaygazette.com/news/single-view/view/10/heavy-haul-in-the-high-north.html.

[152] This report does not treat onshore oil and gas development on federal lands in the Arctic region, such as the National Petroleum Reserve-Alaska or the Arctic National Wildlife Refuge. For more information on the oil and gas program for the Arctic National Wildlife Refuge and related issues, see CRS Report RL33872, *Arctic National Wildlife Refuge (ANWR): An Overview*.

[153] Cecelia Jamasmie, "Melting Arctic is nothing but good news for the mining industry: Lloyd's/Chatham House," Mining.com, April 13, 2012, at http://www.mining.com/melting-arctic-is-nothing-but-good-news-for-the-mining-

observers note that uncertainties and knowledge gaps exist in the understanding of environmental change in the Arctic, and how to deal with the risks associated with significant Arctic industrial activity.[154]

One important part of the current infrastructure in the Arctic that supports oil, gas, and mineral development is the construction and use of ice roads—built and used during the winter, but not passable during the warmer months. Warmer temperatures are shortening the ice road transport seasons and creating transportation challenges. For example, the opening date for tundra roads in northern Alaska usually occurred in early November prior to 1991 and has shifted to January in recent years.[155]

# Oil Pollution and Pollution Response[156]

## Oil Pollution Implications of Arctic Change

Climate change impacts in the Arctic, particularly the decline of sea ice and retreating glaciers, have stimulated human activities in the region, many of which have the potential to create oil pollution. A primary concern is the threat of a large oil spill in the area. Although a major oil spill has not occurred in the Arctic region,[157] recent economic activity, such as oil and gas exploration and tourism (cruise ships), increases the risk of oil pollution (and other kinds of pollution) in the Arctic. Significant spills in high northern latitudes (e.g., the 1989 *Exxon Valdez* spill in Alaska and spills in the North Sea) suggest that the "potential impacts of an Arctic spill are likely to be severe for Arctic species and ecosystems."[158]

### *Risk of Oil Pollution in the Arctic*

A primary factor determining the risk of oil pollution in the Arctic is the level and type of human activity being conducted in the region. Although climate changes in the Arctic are expected to increase access to natural resources and shipping lanes, the region will continue to present logistical challenges that may hinder human activity in the region. For example (as discussed in another section of this report),[159] the unpredictable ice conditions may discourage trans-Arctic shipping. If trans-Arctic shipping were to occur on a frequent basis, it would represent a considerable portion of the overall risk of oil pollution in the region. In recent decades, many of the world's largest oil spills have been from oil tankers, which can carry millions of gallons of oil.[160]

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[154] Charles Emmerson and Glada Lahn, *Arctic Opening: Opportunity and Risk in the High North*, Chatham House, 2012, at https://www.chathamhouse.org/publications/papers/view/182839.

[155] See National Oceanic and Atmospheric Administration, "Arctic Change," at http://www.arctic.noaa.gov/detect/land-road.shtml?page=land.

[156] This section prepared by Jonathan L. Ramseur, Specialist in Environmental Policy, Resources, Science, and Industry Division.

[157] Arctic Council, Emergency Prevention, Preparedness and Response Working Group, *Guide to Oil Spill Response in Snow and Ice Conditions*, 2015, at https://oaarchive.arctic-council.org/handle/11374/403.

[158] Arctic Monitoring and Assessment Programme (AMAP), Arctic Oil and Gas 2007 (2008).

[159] See this report's section "Implications for Sea Transportation," by John Frittelli.

[160] For example, the *Exxon Valdez* spilled approximately 11 million gallons of oil, but its carrying capacity was approximately 60 million gallons.

Although the level of trans-Arctic shipping is uncertain, many expect oil exploration and extraction activities to intensify in the region.[161] Oil well blowouts from offshore oil extraction operations have been a source of major oil spills, eclipsing the largest tanker spills. The largest unintentional oil spill in recent history was from the 2010 *Deepwater Horizon* incident in the Gulf of Mexico.[162] During that incident, the uncontrolled well released (over an 87-day period) approximately 200 million gallons of crude oil.[163] The second-largest unintentional oil spill in recent history—the *IXTOC I*, estimated at 140 million gallons—was due to an oil well blowout in Mexican Gulf Coast waters in 1979.[164]

Until the 2010 *Deepwater Horizon* incident, the spill record for offshore platforms in U.S. federal waters had shown improvement from prior years.[165] A 2003 National Research Council (NRC) study of oil and gas activities on Alaska's North Slope stated "blowouts that result in large spills are unlikely."[166] Similar conclusions were made in federal agency documents regarding deepwater drilling in the Gulf of Mexico before the 2010 *Deepwater Horizon* event.[167] Some would likely contend that the underlying analyses behind these conclusions should be adjusted to account for the 2010 Gulf oil spill. However, others may argue that the proposed activities in U.S. Arctic waters present less risk of an oil well blowout than was encountered by the *Deepwater Horizon* drill rig, because the proposed U.S. Arctic operations would be in shallower waters (150 feet) than the deepwater well (approximately 5,000 feet) that was involved in the 2010 Gulf oil spill. In addition, Shell Oil has stated that the pressures in the Chukchi Sea (the location of Shell's recent interest) would be two to three times less than they were in well involved in the 2010 Gulf oil spill.[168] Regardless of these differences, even under the most stringent control systems, some oil spills and other accidents are likely to occur from equipment failure or human error.

### *Potential Impacts*

No oil spill is entirely benign. Even a relatively minor spill, depending on the timing and location, can cause significant harm to individual organisms and entire populations. Regarding aquatic spills, marine mammals, birds, bottom-dwelling and intertidal species, and organisms in early developmental stages—eggs or larvae—are especially vulnerable. However, the effects of oil

[161] See this report's section "Implication of Changes in the Arctic for Oil, Gas, and Mineral Exploration and Development," by Peter Folger and Marc Humphries.

[162] Larger oil spills occurred during the 1991 Iraq War, but many of those spills were deliberate. A 1910-1911 onshore oil blowout in the California San Joaquin Valley is reported to have spilled 9.4 million barrels of crude oil (almost 400 million gallons).

[163] An estimated 17% of this oil did not enter the Gulf environment but was directly recovered from the wellhead by the responsible party (British Petroleum, BP). See the Federal Interagency Solutions Group, Oil Budget Calculator Science and Engineering Team, *Oil Budget Calculator: Deepwater Horizon-Technical Documentation*, November 2010; and CRS Report R42942, *Deepwater Horizon Oil Spill: Recent Activities and Ongoing Developments*.

[164] National Research Council (NRC) of the National Academies of Science, *Oil in the Sea III: Inputs, Fates, and Effects* (2003).

[165] See CRS Report RL33705, *Oil Spills: Background and Governance*; and Dagmar Etkin (Environmental Research Consulting), Analysis of U.S. Oil Spillage, Prepared for American Petroleum Institute, August 2009.

[166] National Research Council of the National Academies of Science, *Cumulative Environmental Effects of Oil and Gas Activities on Alaska's North Slope* (2003).

[167] See, for example, Minerals Management Service (MMS), Outer Continental Shelf Oil & Gas Leasing Program: 2007-2012, Final Environmental Impact Statement, April 2007, chapter 4; MMS, Proposed Gulf of Mexico OCS Oil and Gas Lease Sale 206, Central Planning Area, Environmental Assessment, October 2007.

[168] Letter from Marvin E. Odum, President, Shell Oil Company to S. Elizabeth Birnbaum, Minerals Management Service (May 14, 2010). Cited in a staff paper from the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling ("The Challenges of Oil Spill Response in the Arctic," January 2011).

spills can vary greatly. Oil spills can cause impacts over a range of time scales, from only a few days to several years, or even decades in some cases.

Conditions in the Arctic may have implications for toxicological effects that are not yet understood. For example, oil spills on permafrost may persist in an ecosystem for relatively long periods of time, potentially harming plant life through their root systems. Moreover, little is known about the effects of oil spills on species that are unique to the Arctic, particularly, species' abilities to thrive in a cold environment and the effect temperature has on toxicity.[169]

The effects of oil spills in high-latitude, cold-ocean environments may last longer and cause greater damage than expected. Some recent studies have found that oil spills in lower latitudes have persisted for longer than initially expected, thus raising the concern that the persistence of oil in the Arctic may be understated. In terms of wildlife, population recovery may take longer in the Arctic because many of the species have longer life spans and reproduce at a slower rate.[170]

## Response and Cleanup Challenges in the Arctic Region

Climate changes in the Arctic are expected to increase human activities in the region, many of which impose a risk of oil pollution, particularly from oil spills. Conditions in the Arctic region impose unique challenges for personnel charged with (1) oil spill response, the process of getting people and equipment to the incident, and (2) cleanup duties, either recovering the spilled oil or mitigating the contamination so that it poses less harm to the ecosystem. These challenges may play a role in the policy development for economic activities in the Arctic.

### *Spill Response Challenges*

Response time is a critical factor for oil spill recovery. With each hour, spilled oil becomes more difficult to track, contain, and recover, particularly in icy conditions, where oil can migrate under or mix with surrounding ice.[171] Most response techniques call for quick action, which may pose logistical challenges in areas without prior staging equipment or trained response professionals. Many stakeholders are concerned about a "response gap" for oil spills in the Arctic region.[172] A response gap is a period of time in which oil spill response activities would be unsafe or infeasible. The response gap for the northern Arctic latitudes is likely to be extremely high compared to other regions.[173]

According to a 2014 National Research Council (NRC) report, "the lack of infrastructure in the Arctic would be a significant liability in the event of a large oil."[174] The Coast Guard has no designated air stations north of Kodiak, AK, which is almost 1,000 miles from the northernmost

[169] AMAP, *Arctic Oil and Gas 2007* (2008).

[170] AMAP, *Arctic Oil and Gas 2007* (2008).

[171] World Wildlife Fund, *Oil Spill: Response Challenges in Arctic Waters* (2007).

[172] Coastal Response Research Center, *Opening the Arctic Seas: Envisioning Disasters and Framing Solutions* (2009), partnership between the National Oceanic and Atmospheric Administration and the University of New Hampshire.

[173] Although the response gap in the Arctic has not been quantified, a recent estimate of Prince William Sound (PWS) may be instructive. A 2007 study found a response gap for PWS of 38% for the time of the study period (65% during the winter season). Note that PWS has existing infrastructure for response, while the more remote Arctic areas do not. Nuka Research and Planning Group, LLC, *Response Gap Estimate for Two Operating Areas in Prince William Sound, Alaska* (2007), Report to Prince William Sound Regional Citizens' Advisory Council.

[174] National Research Council (NRC) of the National Academies of Science, *Responding to Oil Spills in the U.S. Arctic Marine Environment*, 2014.

point of land along the Alaskan coast in Point Barrow, AK.[175] Although some of the communities have airstrips capable of landing cargo planes, no roads connect these communities.[176] Vessel infrastructure is also limited. The nearest major port is in the Aleutian Islands, approximately 1,300 miles from Point Barrow. Two of the major nonmechanical recovery methods—in situ burning and dispersant application—may be limited (or "precluded") by the Arctic conditions and lack of logistical support: aircraft, vessels, and other infrastructure.[177]

A 2010 Government Accountability Office (GAO) report identified further logistical obstacles that would hinder an oil spill response in the region, including "inadequate" ocean and weather information for the Arctic and technological problems with communications.[178] A 2014 GAO report highlighted steps taken by some groups (e.g., the National Oceanic and Atmospheric Administration) to improve some of these logistical elements.[179]

### *Oil Spill Cleanup Challenges*

The history of oil spill response in the Aleutian Islands highlights the challenges and concerns for potential spills in the Arctic region:

> The past 20 years of data on response to spills in the Aleutians has also shown that almost no oil has been recovered during events where attempts have been made by the responsible parties or government agencies, and that in many cases, weather and other conditions have prevented any response at all.[180]

The behavior of oil spills in cold and icy waters is not as well understood as oil spills in more temperate climates.[181] The 2014 NRC report highlights some recent advancements in understanding oil spill behavior in arctic climates. At the same time, the report recommends further study in multiple areas.

The 2014 NRC report states that in colder water temperatures or sea ice, "the processes that control oil weathering—such as spreading, evaporation, photo-oxidation, emulsification, and natural dispersion—are slowed down or eliminated for extended periods of time."[182] In some respects, the slower weathering processes may provide more time for response strategies, such as in situ burning or skimming. On the other hand, the longer the oil remains in an ecosystem, the more opportunity there is for exposure.

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[175] U.S. Coast Guard, *Report to Congress: U.S. Coast Guard Polar Operations*, December 2008.

[176] A single road connects Deadhorse, Alaska and the Prudhoe Bay with central Alaska (Fairbanks). For more details and maps of the area, see Nuka Research and Planning Group, *Oil Spill Prevention and Response in the U.S. Arctic Ocean: Unexamined Risks, Unacceptable Consequences*, Commissioned by Pew Environment Group, November 2010.

[177] World Wildlife Fund, Oil Spill: Response Challenges in Arctic Waters (2007). For further discussion of issues relating to oil spills, see CRS Report RL33705, *Oil Spills: Background and Governance*.

[178] Government Accountability Office, *Coast Guard: Efforts to Identify Arctic Requirements Are Ongoing, but More Communication about Agency Planning Efforts Would Be Beneficial*, GAO-10-870, September 2010.

[179] Government Accountability Office, *Key Issues Related to Commercial Activity in the U.S. Arctic over the Next Decade*, GAO-14-299, March 2014.

[180] Transportation Research Board of the National Academy of Sciences, *Risk of Vessel Accidents and Spills in the Aleutian Islands: Designing a Comprehensive Risk Assessment* (2008), Special Report 293, National Academies Press. Washington, DC.

[181] National Research Council (NRC) of the National Academies of Science, *Responding to Oil Spills in the U.S. Arctic Marine Environment*, 2014.

[182] National Research Council (NRC) of the National Academies of Science, *Responding to Oil Spills in the U.S. Arctic Marine Environment*, 2014.

In addition, the 2014 report states the following:

> Arctic conditions impose many challenges for oil spill response—low temperatures and extended periods of darkness in the winter, oil that is encapsulated under ice or trapped in ridges and leads, oil spreading due to sea ice drift and surface currents, reduced effectiveness of conventional containment and recovery systems in measurable ice concentrations, and issues of life and safety of responders.

### *Existing Policy Framework*

Considering both the recent increase in human activity in the region (and expectation of further interest) and the response and recovery challenges that an oil spill would impose in Arctic waters, many would assert that the region warrants particular attention in terms of governance. However, the existing framework for international governance of maritime operations in the Arctic region lacks legally binding requirements. While the Safety of Life at Sea Convention (SOLAS) and other International Maritime Organization (IMO) conventions include provisions regarding ships in icy waters, the provisions are not specific to the polar regions. Although the IMO has "Guidelines for Ships Operating in Arctic," a 2009 NOAA report described the nonbinding IMO provisions as "inconsistent with the hazards of Arctic navigation and the potential for environmental damage from such an incident."[183]

In 2013, the member states of the Arctic Council signed an Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic.[184] The agreement's objective is to "strengthen cooperation, coordination, and mutual assistance ... on oil pollution preparedness and response in the Arctic."

In addition, the United States has separate bilateral agreements with Canada and Russia that address oil spill response operations. The agreement with Canada was established in 1974 for the Great Lakes and has been amended several times to add more geographic areas, including Arctic waters. According to the 2014 NRC report: "Formal contingency planning and exercises with Canada have enabled both the United States and Canada to refine procedures and legal requirements for cross-border movement of technical experts and equipment in the event of an emergency."

The U.S.-Russian agreement was made in 1989 and applies to oil spills in Arctic waters. However, the 2014 NRC report asserts that the agreement has not been tested to the same extent as the U.S.-Canada agreement.

## Fisheries[185]

The effects of climate change such as increasing sea surface temperatures and decreasing permanent sea ice are altering the composition of marine ecosystems in the Arctic. These changes are likely to affect the ranges and productivity of living marine resources including species that support marine fisheries. Furthermore, as a greater portion of the waters in the central Arctic Ocean become open for longer periods, the region's resources will become more accessible to commercial fishing. Large commercial fisheries already exist in the Arctic, including in the

[183] Coastal Response Research Center, *Opening the Arctic Seas: Envisioning Disasters and Framing Solutions*, (2009), partnership between the National Oceanic and Atmospheric Administration and the University of New Hampshire.

[184] Available at http://www.arctic-council.org.

[185] This section was prepared by Harold Upton, Analyst in Natural Resources Policy, Resources, Science, and Industry Division.

Barents and Norwegian Seas north of Europe, the Central North Atlantic off Greenland and Iceland, the Bering Sea off Russia and the United States (Alaska), and the Newfoundland and Labrador Seas off northeastern Canada.[186] As environmental changes occur, fisheries managers will be challenged to adjust management measures for existing fisheries. Uncertainties related to these changes and potential new fisheries in the central Arctic Ocean have prompted many fishery managers to support precautionary approaches to fisheries management in the region.

On June 1, 2008, Congress passed a joint resolution (P.L. 110-243) that directed "the United States to initiate international discussions and take necessary steps with other nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean." The joint resolution also supported establishment of a new international fisheries management organization or organizations for the region. International cooperation is necessary to manage Arctic resources because fish stocks are shared to some degree among the five adjacent jurisdictional zones of the Arctic rim nations. Further, a large portion of the central Arctic Ocean lies outside the Exclusive Economic Zones (EEZ) of these nations. Ideally, regional management would recognize the need to coordinate management for those fish populations that move among these national jurisdictional zones and high seas.

For waters under U.S. jurisdiction, in 2009, the National Marine Fisheries Service in the Department of Commerce's National Oceanic and Atmospheric Administration implemented the North Pacific Council's Fishery Management Plan for Fish Resources of the Arctic Management Area.[187] The management area includes marine waters in the U.S. EEZ of the Chukchi and Beaufort Seas.[188] The plan initially prohibits commercial fishing in the Arctic Management Area and moves the northern boundary of the Bering Sea/Aleutian Islands king and tanner crab fishery management plan out of the Arctic Management Area south to the Bering Strait. The plan takes a precautionary approach by requiring the collection of more information before developing commercial fisheries in the region.

On July 16, 2015, the five nations that surround the Arctic Ocean signed a declaration to prevent unregulated commercial fishing in the high seas portion of the central Arctic Ocean.[189] The five nations agree that a precautionary approach to fishing is needed because there is limited scientific knowledge of marine resources in the region. Currently, there is no commercial fishing in central Arctic Ocean and it is questionable whether existing fisheries resources could sustain a fishery. The declaration includes the following interim measures:

- to authorize our vessels to conduct commercial fishing in the high seas area only pursuant to one or more marine regional or subregional fisheries management organizations or arrangements that are or may be established to manage such fishing in accordance with recognized international standards;
- to establish a joint program of scientific research with the aim of improving understanding of the ecosystems of this area and promote cooperation with relevant scientific bodies;

[186] Erik J. Molenaar and Robert Corell, *Arctic Fisheries*, Arctic Transform, February 9, 2009; available at http://arctic-transform.org/download/FishBP.pdf.

[187] 74 *Federal Register* 56734-56746, November 3, 2009.

[188] The state of Alaska has jurisdiction over waters from 0-3 nautical miles from the baseline. The baseline generally follows the shoreline.

[189] The five nations include Canada, Denmark, Norway, the Russian Federation, and the United States. See https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/folkerett/declaration-on-arctic-fisheries-16-july-2015.pdf.

- to promote compliance with these interim measures and with relevant international law, including by coordinating our monitoring, control, and surveillance activities in this area; and
- to ensure that any noncommercial fishing in this area does not undermine the purpose of the interim measures, is based on scientific advice and is monitored, and that data obtained through any such fishing is shared.

The declaration also recognizes the interests of indigenous peoples and the need to encourage other countries to take actions that are consistent with the interim measures. It appears that future management arrangements may include China, the EU, Iceland, Japan, and South Korea. Iceland has stated it regrets that although it has repeatedly asked to participate in the collaboration, the five states decided to keep Iceland outside consultations on the declaration.[190] It remains an open question as to whether an Arctic Ocean regional fishery management organization will be established, which countries would be included in such an arrangement, and if commercial fisheries will be developed in the central Arctic Ocean.

## Protected Species[191]

Concern over development of the Arctic relates to how such development might affect threatened and endangered species. Under the Endangered Species Act (ESA, 16 U.S.C. §§1531-1543), the polar bear was listed as threatened on May 15, 2008. The failure by the Fish and Wildlife Service (FWS) to make a 90-day finding on a 2008 petition to list Pacific walrus led to submission of 60-days' notice of a future citizen suit. However, eventually walruses were listed as candidate species under ESA;[192] this status means that federal agencies carrying out actions that may affect the species must confer with FWS though they are not necessarily obliged to modify their actions. Both polar bears and walruses are heavily dependent during their life cycles on thick sea ice, making them especially susceptible to the shrinking Arctic ice cap.

On December 30, 2008, the National Marine Fisheries Service (NMFS) determined that a listing of ribbon seal as threatened or endangered was not warranted.[193] On October 22, 2010, NMFS listed the southern distinct population segment (DPS) of spotted seals as threatened.[194] Listing of two other DPS (Okhotsk and Bering Sea) had earlier been determined to not be warranted.[195] On December 10, 2010, NMFS proposed that (1) four subspecies of ringed seal be listed as threatened,[196] and (2) that two DPS of one subspecies of bearded seal be listed as threatened.[197]

In either terrestrial or marine environments, the extreme pace of change makes a biological response many times more difficult. For species with adaptations for a specific optimum

[190] Ministry of Foreign Affairs, Iceland, "The Position of Iceland on the Consultation on Arctic Fishing," press release, July 24, 2015, http://arcticportal.org/library/press-releases/1524-the-position-of-iceland-on-the-consultation-on-arctic-fishing.

[191] Prepared by Lynne Corn and Eugene Buck, Specialists in Natural Resources Policy, Resources, Science, and Industry Division.

[192] Fish and Wildlife Service, "Endangered and Threatened Wildlife and Plants; Review of Native Species That Are Candidates for Listing as Endangered or Threatened; Annual Notice of Findings on Resubmitted Petitions; Annual Description of Progress on Listing Actions; Proposed Rule," 76 *Federal Register* 66370-66439, October 26, 2001.

[193] 73 *Federal Register* 79822-79828.

[194] 75 *Federal Register* 65239-65248.

[195] 74 *Federal Register* 53683-58696, October 20, 2009.

[196] 75 *Federal Register* 77476-77495.

[197] 75 *Federal Register* 77496-77515.

temperature for egg development, or production of young timed to match the availability of a favored prey species, or seed dispersal in predictable fire regimes, etc., evolutionary responses may well not keep pace with the rate of change.[198] While species of plants and animals farther south might migrate, drift, or be transplanted from warming habitats to more northerly sites that may continue to be suitable,[199] once a terrestrial species reaches the Arctic Ocean, it is very literally at the end of the line. No more northern or colder habitat is available.

The Marine Mammal Protection Act (MMPA; 16 U.S.C. §§1361 et seq.) protects whales, seals, walruses, and polar bears. The MMPA established a moratorium on the "taking" of marine mammals in U.S. waters and by U.S. nationals on the high seas, including the Arctic. The MMPA protects marine mammals from "clubbing, mutilation, poisoning, capture in nets, and other human actions that lead to extinction." Under the MMPA, the Secretary of Commerce, acting through National Marine Fisheries Service, is responsible for the conservation and management of whales and seals. The Secretary of the Interior, acting through the Fish and Wildlife Service, is responsible for walruses and polar bears.[200] Despite the MMPA's general moratorium on taking, the MMPA allows U.S. citizens to apply for and obtain authorization for taking small numbers of mammals incidental to activities other than commercial fishing (e.g., offshore oil and gas exploration and development) if the taking would have only a negligible impact on any marine mammal species or stock, provided that monitoring requirements and other conditions are met.

## Indigenous People Living in the Arctic[201]

People have been living in the Arctic for thousands of years, and indigenous peoples developed highly specialized cultures and economies based on the physical and biological conditions of the long-isolated region. However, with trade, the influx of additional populations especially since the 19th century, and ongoing physical changes in the Arctic, indigenous populations have already experienced substantial change in their lifestyles and economies. Over the past two decades, greater political organization across indigenous populations has increased their demands for international recognition and broader rights, as well as attention to the economic, health, and safety implications of climate change in the North.

### Background

Seven of the eight Arctic nations have indigenous peoples,[202] whose predecessors were present in parts of the Arctic over 10,000 years ago, well before the arrival of peoples with European

[198] Among biologists, it is traditionally said that a species faced with extreme change can respond in three basic ways: "migrate, mutate, or die." When change is rapid enough, mutation (accompanied by natural selection of individuals within the population more suited to the changed environment) may not be able to occur fast enough, leaving migration and death as the only options. The problem of response rate is more severe for species that reproduce slowly (e.g., polar bears) and less severe for species that reproduce rapidly (e.g., algae).

[199] The efficacy and the effect of this tactic is often questioned, since natural migration is unlikely to involve the entire suite of species in an ecosystem (e.g., host plants might not move north (or up) as fast as their moth herbivores, nor as fast as the birds that depend on the moths). Moreover, the southerners will not find a land of sterile bare dirt—the species that are already there may be threatened themselves by the competition from the new arrivals, perhaps tipping the balance and pushing still more species toward extinction.

[200] Under the MMPA, both NMFS and FWS have responsibility for additional marine mammal species (e.g., manatees, sea otters, dolphins) which are not currently found in the Arctic.

[201] This section was originally prepared by Roger Walke, who was a Specialist in American Indian Policy, Domestic Social Policy Division, until his retirement from CRS in October 2010. It has been updated by Jane A. Leggett, Specialist in Environmental and Energy Policy in CRS's Resources, Science and Industry Division.

[202] *Arctic Human Development Report*, ed. Joan Nymand Larsen et al. (Akureyri, Iceland: Stefansson Arctic Institute,

backgrounds.[203] Current Arctic indigenous peoples comprise dozens of diverse cultures and speak dozens of languages from eight or more non-Indo-European language families.[204]

Before the arrival of Europeans, Arctic indigenous peoples lived in economies that were chiefly dependent, in varying proportions, on hunting land and marine mammals, catching salt- and fresh-water fish, herding reindeer (in Eurasia), and gathering, for their food, clothing, and other products.[205] Indigenous peoples' interaction with and knowledge of Arctic wildlife and environments has developed over millennia and is the foundation of their cultures.[206]

The length of time that Arctic indigenous peoples were in contact with Europeans varied across the Arctic. As recorded by Europeans, contact began as early as the 9th century CE, if not before, in Fennoscandia[207] and northwestern Russia, chiefly for reasons of commerce (especially furs); it progressed mostly west-to-east across northern Asia, reaching northeastern Arctic Asia by the 17th century.[208] North American Arctic indigenous peoples' contact with Europeans started in Labrador in the 16th century and in Alaska in the 18th century, and was not completed until the early 20th century.[209] Greenland's indigenous peoples first saw European-origin peoples in the late 10th century, but those Europeans died out during the 15th or 16th century and Europeans did not return permanently until the 18th century.[210]

Contact led to significant changes in Arctic indigenous economies, political structures, foods, cultures, and populations, starting especially in the 20th century. For example, life expectancy among Alaska Natives has increased from 47 years in 1950 to over 69 years in 2000 (though it still lags behind that of U.S. residents overall, at 77 years).[211]

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2004), p. 47; this report is subsequently cited in this section as *AHDR*. The seven countries are Canada, Denmark-Greenland, Finland, Norway, Russia, Sweden, and the United States.

[203] John F. Hoffecker, *A Prehistory of the North: Human Settlement of the Higher Latitudes* (New Brunswick, NJ: Rutgers University Press, 2005), pp. 8, 81, 112-115.

[204] *AHDR*, pp. 47, 53; David Crystal, *Cambridge Encyclopedia of Language*, 2nd ed. (Cambridge: Cambridge University Press, 1997), chap. 50; *Ethnologue: Languages of the World*, 16th ed., ed. M. Paul Lewis (Dallas: SIL International, 2009), available at http://www.ethnologue.com/. The number of languages and language families varies not only with definitions of the Arctic but with definitions of languages and language families.

[205] Jim Berner et al., *Arctic Climate Impact Assessment* (Cambridge: Cambridge University Press, 2005), chapter 12; this report is subsequently cited in this section as *ACIA*.

[206] *ACIA*, pp. 654-655.

[207] Fennoscandia refers to the Scandinavian Peninsula, Finland, the Kola Peninsula of Russia, and certain parts of Russia bordering on Finland.

[208] Janet Martin, *Treasure in the Land of Darkness: The Fur Trade and Its Significance for Medieval Russia* (Cambridge: Cambridge University Press, 1986), pp. 41-42; James Forsyth, *A History of the Peoples of Siberia: Russia's North Asian Colony, 1581-1990* (Cambridge: Cambridge University Press, 1992), pp. 69-83, 102; Lassi K. Heininen, "Different Images of the Arctic and the Circumpolar North in World Politics," in *Knowledge and Power in the Arctic*, Proceedings at a Conference in Rovaniemi, April 16-18, 2007, Arctic Centre Reports 48, ed. Paula Kankaanpaa et al. (Rovaniemi, Finland: University of Lapland, Arctic Centre, 2007), p. 125.

[209] James W. VanStone, "Exploration and Contact History of Western Alaska," and David Damas, "Copper Eskimo," and J. Garth Taylor, "Historical Ethnography of the Labrador Coast," in *Handbook of North American Indian: Vol. 5, Arctic*, vol. ed. David Damas, gen. ed. William C. Sturtevant (Washington: Smithsonian, 1984), pp. 149-155, 408, 509-510.

[210] Inge Kleivan, "History of Norse Greenland," in *Handbook, Vol. 5, Arctic, op. cit.*, pp. 549-555; Finn Gad, "Danish Greenland Policies," in *Handbook of North American Indians: Vol. 4, History of Indian-White Relations*, vol. ed. Wilcomb E. Washburn, gen. ed. William C. Sturtevant (Washington: Smithsonian, 1988), p. 110.

[211] Parkinson, Alan J. The Arctic Human Health Initiative. Washington, DC: U.S. Department of Health and Human Services, 2006.

Also, at present, most Arctic indigenous peoples have become minorities in their countries' Arctic areas, except in Greenland and Canada. (One source estimates that, around 2003, about 10% of an estimated 3.7 million people in the Arctic were indigenous.)[212] While many Arctic indigenous communities remain heavily dependent on hunting, fishing, and herding and are more likely to depend on traditional foods than nonindigenous Arctic inhabitants,[213] there is much variation. Most Arctic indigenous people may no longer consume traditional foods as their chief sources of energy and nutrition.[214] Major economic change is also relatively recent but ongoing.[215] Many Arctic indigenous communities have developed a mixture of traditional economic activities and wage employment.[216] The economics of subsistence and globalization will be key factors in the effects of climate change on Arctic indigenous peoples, and on their reactions to Arctic climate change.

Arctic indigenous peoples' current political structures vary, as do their relationships with their national governments. Some indigenous groups govern their own unique land areas within the national structure, as in the United States and Canada; others have special representative bodies, such as the Saami parliaments in Norway, Finland, and Sweden;[217] a few areas have general governments with indigenous majorities, such as Greenland (a member country of Denmark), Nunavut territory in Canada, and the North Slope and Northwest Arctic boroughs in Alaska.[218] Control of land, through claims and ownership, also varies among Arctic indigenous peoples, as do rights to fishing, hunting, and resources.[219] Arctic indigenous peoples' political relationships to their national and local governments, and their ownership or claims regarding land, are also significant factors in the responses to Arctic climate change by the indigenous peoples and by Arctic nations' governments.

## Effects of Climate Change

Arctic climate change is expected to affect the economies, population, subsistence, health, infrastructure, societies, and cultures of Arctic indigenous peoples. Changes in sea ice and sea level, permafrost, tundra, weather, and vegetation distributions, as well as increased commercial shipping, mineral extraction, and tourism, will affect the distribution of land and sea mammals, of freshwater and marine fish, and of forage for reindeer. These will in turn affect traditional subsistence activities and related indigenous lifestyles.[220] Arctic indigenous peoples' harvesting of animals is likely to become riskier and less predictable, which may increase food insecurity,

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[212] *AHDR*, pp. 19, 29. Estimates of Arctic indigenous populations are complicated by varying definitions not only of the Arctic but also of indigenous peoples; for instance, Russia does not count some non-European Arctic ethnic groups, such as the Yakut, as "indigenous minorities" (see "Peoples of the Arctic: Characteristics of Human Populations Relevant to Pollution Issues," in *AMAP Assessment Report: Arctic Pollution Issues*, ed. Simon J. Wilson et al. (Oslo: Arctic Monitoring and Assessment Programme, 1998), pp. 167-169; this report is subsequently cited in this section as *AMAP 1998*.

[213] *AMAP 1998*, chapter 5; see also Birger Poppel et al., *SLiCA Results*, Survey of Living Conditions in the Arctic (Anchorage: Institute of Social and Economic Research, University of Alaska Anchorage, 2007), pp. 4-7, http://www.arcticlivingconditions.org.

[214] Annika E. Nilson and Henry P. Huntington, *Arctic Pollution 2009* (Oslo: Arctic Monitoring and Assessment Programme, 2009), pp. 39-41; this report is subsequently cited in this section as *AMAP 2009*.

[215] *ACIA*, p. 1000.

[216] *SLiCA Results*, *op.cit.*, pp. v, 4-8.

[217] *AHDR*, p. 232.

[218] *AHDR*, chapter 4, and pp. 232-233.

[219] *AHDR*, chapters 6-7, and pp. 232-233.

[220] *ACIA*, pp. 1000-1001, 1004.

change diets, and increase dependency on outside, nontraditional foods.[221] Food cellars in many locations have thawed during summers, threatening food safety. Related health risks of diabetes, obesity, and mental illness have been associated with these changes.[222]

Sea, shoreline ice, and permafrost changes have damaged infrastructure and increased coastal and inland erosion, especially in Alaska, where GAO found in 2003 that "coastal villages are becoming more susceptible to flooding and erosion caused in part by rising temperatures."[223] In response, Congress funded the U.S. Army Corps of Engineers to conduct a Baseline Erosion Assessment that identified and prioritized among the 178 communities identified at risk from erosion.[224] (Risks from flooding were not examined.) GAO concluded in 2009 that many Native villages must relocate, but even those facing imminent threats have been impeded by various barriers, including difficulties identifying appropriate new sites, piecemeal programs for state and federal assistance, and obstacles to eligibility for certain federal programs.[225] The Alaska Federation of Natives placed among its 2010 federal priorities a request to Congress to mitigate flooding and erosion in Alaska Native villages and to fund relocation of villages where necessary.[226] However, "the cost is extraordinary," acknowledges Senator Lisa Murkowski.[227]

Oil, gas, and mineral exploration and development are expected to increase, as are other economic activities, such as forestry and tourism, and these are expected to increase economic opportunities for all Arctic residents, including indigenous peoples.[228] Pressures to increase participation in the wage economy, however, may speed up changes in indigenous cultures. Increased economic opportunities may also lead to a rise in the nonindigenous population, which may further change the circumstances of indigenous cultures. Some representatives of Arctic indigenous people have related a "conflicting desire between combating climate change and embracing the potential for economic growth through foreign investment."[229]

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[221] *ACIA*, pp. 1000-1001, 1004.

[222] Parkinson, Alan J. *The Arctic Human Health Initiative*. Washington, DC: U.S. Department of Health and Human Services, 2006; Brubaker, Michael, James Berner, Raj Chavan, and John Warren. "Climate Change and Health Effects in Northwest Alaska." *Global Health Action* 4 (October 18, 2011).

[223] U.S. Government Accountability Office (GAO), *Alaska Native Villages: Villages Affected by Flooding and Erosion Have Difficulty Qualifying for Federal Assistance*, GAO-04-895T, June 29, 2004, p. i, http://www.gao.gov/new.items/d04895t.pdf. See also, Government Accountability Office, *Alaska Native Villages: Most Are Affected by Flooding and Erosion, but Few Qualify for Federal Assistance*, GAO-04-142, December 12, 2003, http://www.gao.gov/new.items/d04142.pdf.

[224] U.S. Army Corps of Engineers. Alaska Baseline Erosion Assessment (BEA), March 2009.

[225] GAO, *Alaska Native Villages: Limited Progress Has Been Made on Relocating Villages Threatened by Flooding and Erosion*, June 3, 2009.

[226] Alaska Federation of Natives, Human Resources Committee, *2010 Federal Priorities* (Anchorage: Alaska Federation of Natives, 2010), pp. 22-23, available at https://www.nativefederation.org/wp-content/uploads/2018/07/2010-afn-federal-priorities.pdf. See also, Government Accountability Office, *Alaska Native Villages: Limited Progress Has Been Made on Relocating Villages Threatened by Flooding and Erosion*, GAO-09-551, June 3, 2009, http://www.gao.gov/new.items/d09551.pdf. For a more detailed anecdote, see a 2012 interview with Brice Eningowuk, Shishmaref Erosion and Relocation Committee member at Shearer, Christine. "Climate Crisis: Alaskan Village Shishmaref Sinking Into the Sea." *Imagined Magazine*, July 8, 2012, http://imaginedmag.com/2012/07/climate-crisis-alaskan-village-shishmaref-sinking-into-the-sea/.

[227] Press Office of Senator Lisa Murkowski. "Murkowski Urges Greater Tribal Consultation from Administration; Senator Spotlights 'Monumental' Climate Struggles Faced by Alaska Natives, Coastal Communities," July 19, 2012.

[228] *ACIA*, pp. 1001, 1004.

[229] Aqqaluk Lynge, Chair, Inuit Circumpolar Council, quoted in Stephanie McFeeters, "Lynge talks future of Inuit people," *The Dartmouth*, February 8, 2012.

Although important advances in public health have occurred in indigenous communities over past decades, some health problems may increase with continued Arctic climate change. Economic development may exacerbate Arctic pollution problems, including higher exposure to mercury, air pollution, and food contamination. The influx and redistribution of contaminants in the air, oceans, and land may change in ways that are now poorly understood.[230] Warmer temperatures and longer warm seasons may increase insect- and wildlife-borne diseases.[231] Climate change may lead to damage to water and sanitation systems, reducing protection against waterborne diseases.[232] Changes in Arctic indigenous cultures may increase mental stress and behavioral problems.[233]

The response to climate change by Arctic indigenous peoples has included international activities by Arctic indigenous organizations and advocacy before their national governments. As one report noted, "the rise of solidarity among indigenous peoples organizations in the region is surely a development to be reckoned with by all those interested in policy issues in the Arctic."[234] Six national or international indigenous organizations are permanent participants of the Arctic Council, the regional intergovernmental forum.[235] Due in part to advocacy by Arctic indigenous people, the United Nations General Assembly adopted in 2007 the Declaration on the Rights of Indigenous Peoples.[236] In April 2009, the Inuit Circumpolar Council (an organization of Inuit in the Arctic regions of Alaska, Canada, Greenland, and Russia) hosted in Alaska the worldwide "Indigenous Peoples Global Summit on Climate Change."[237] The conference report, forwarded to the Copenhagen Conference of the Parties of the U.N. Framework Convention on Climate Change (December 2009), noted "accelerating" climate change caused by "unsustainable development" and, among several recommendations, called for a greater indigenous role in national and international decisions on climate change, including a greater role for indigenous knowledge in climate change research, monitoring, and mitigation.[238]

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[230] See, for example, "Health: Increased Bacterial Loads in Potable Water Could Have Significant Health Effects on Indigenous People From the Arctic to Uganda, Says Vanier Scholar." National Aboriginal Health Organization (NAHO), February 17, 2012. http://www.naho.ca/blog/2012/02/17/health-increased-bacterial-loads-in-potable-water-could-have-significant-health-effects-on-indigenous-people-from-the-arctic-to-uganda-says-vanier-scholar/; or, Kallenborn et al., *Combined Effects of Selected Pollutants and Climate Change in the Arctic Environment*. Oslo, Norway: Arctic Monitoring and Assessment Programme (AMAP), Arctic Council, 2011.

[231] *AMAP Assessment 2009: Human Health in the Arctic*, ed. Simon J. Wilson and Carolyn Symon (Oslo: Arctic Monitoring and Assessment Programme, 2009), pp. 4-6, 143.

[232] Brubaker, Michael, James Berner, Raj Chavan, and John Warren. "Climate Change and Health Effects in Northwest Alaska." *Global Health Action* 4 (October 18, 2011); John Warren, "Climate change could affect human health," *Mukluk Telegraph*, January/February 2005, pp. 5-6.

[233] John Warren, "Climate change could affect human health," *Mukluk Telegraph*, January/February 2005, pp. 5-6.

[234] *AHDR*, p. 235.

[235] See http://www.arctic-council.org/. The six organizations are the Aleut International Association, Arctic Athabaskan Council, Gwich'in Council International, Inuit Circumpolar Council, RAIPON (Russian Association of Indigenous Peoples of the North), and Saami Council.

[236] United Nations, Declaration on the Rights of Indigenous Peoples, Resolution A/RES/61/295, at http://www.un-documents.net/a61r295.htm.

[237] See http://www.indigenoussummit.com/servlet/content/home.html.

[238] K. Galloway-McLean et al., *Report of the Indigenous Peoples' Global Summit on Climate Change: 20-24 April 2009, Anchorage, Alaska* (Darwin, Australia: United Nations University—Traditional Knowledge Initiative, 2009), pp. 5-7; available at http://www.indigenoussummit.com/servlet/content/home.html.

# Polar Icebreaking[239]

## Polar Icebreaker Operations

Within the U.S. government, the Coast Guard is the U.S. agency responsible for polar icebreaking. U.S. polar ice operations conducted in large part by the Coast Guard's polar icebreakers support nine of the Coast Guard's 11 statutory missions.[240] The roles of U.S. polar icebreakers can be summarized as follows:

- conducting and supporting scientific research in the Arctic and Antarctic;
- defending U.S. sovereignty in the Arctic by helping to maintain a U.S. presence in U.S. territorial waters in the region;
- defending other U.S. interests in polar regions, including economic interests in waters that are within the U.S. exclusive economic zone (EEZ) north of Alaska;
- monitoring sea traffic in the Arctic, including ships bound for the United States; and
- conducting other typical Coast Guard missions (such as search and rescue, law enforcement, and protection of marine resources) in Arctic waters, including U.S. territorial waters north of Alaska.[241]

The Coast Guard's large icebreakers are called polar icebreakers rather than Arctic icebreakers because they perform missions in both the Arctic and Antarctic. Operations to support National Science Foundation (NSF) research activities in both polar regions account for a significant portion of U.S. polar icebreaker operations.

Providing support for NSF's research in the Antarctic focuses on performing an annual mission, called Operation Deep Freeze (ODF), to break through Antarctic sea ice so as to reach and resupply McMurdo Station, the large U.S. Antarctic research station located on the shore of McMurdo Sound, near the Ross Ice Shelf. The Coast Guard states that *Polar Star*, the Coast Guard's only currently operational heavy polar icebreaker, "spends the [northern hemisphere] winter [i.e., the southern hemisphere summer] breaking ice near Antarctica in order to refuel and resupply McMurdo Station. When the mission is complete, the *Polar Star* returns to dry dock [in Seattle] in order to complete critical maintenance and prepare it for the next ODF mission. Once out of dry dock, it's back to Antarctica, and the cycle repeats itself."[242] In terms of the maximum

[239] This section prepared by Ronald O'Rourke, Specialist in Naval Affairs, Foreign Affairs, Defense, and Trade Division. For more on the Coast Guard's polar icebreakers, see CRS Report RL34391, *Coast Guard Polar Security Cutter (Polar Icebreaker) Program: Background and Issues for Congress*.

[240] The nine missions supported by polar ice operations are search and rescue; maritime safety; aids to navigation; ice operations; marine environmental protection; living marine resources; other law enforcement (protect the exclusive economic zone [EEZ]); ports, waterways and costal security; and defense readiness. The two missions not supported by polar ice operations are illegal drug interdiction and undocumented migrant interdiction. (Department of Homeland Security, *Polar Icebreaking Recapitalization Project Mission Need Statement, Version 1.0*, approved by DHS June 28, 2013, p. 10.)

[241] This passage, beginning with "The roles of …," originated in an earlier iteration of this CRS report and was later transferred by the Government Accountability Office (GAO) with minor changes to Government Accountability Office, *Coast Guard[:]Efforts to Identify Arctic Requirements Are Ongoing, but More Communication about Agency Planning Efforts Would Be Beneficial*, GAO-10-870, September 2010, p. 53.

[242] NyxoLyno Cangemi, "Coast Guard Icebreaker Crew Completes Second Arctic Mission; U.S. Interests in Arctic Domain Depends [sic] on Fleet Recapitalization," *DVIDS (Defense Visual Information Distribution System)*, October 19, 2018.

thickness of the ice to be broken, the annual McMurdo resupply mission generally poses the greatest icebreaking challenge for U.S. polar icebreakers, though Arctic ice can frequently pose its own significant icebreaking challenges for U.S. polar icebreakers. The Coast Guard's medium polar icebreaker, *Healy*, spends most of its operational time in the Arctic supporting NSF research activities and performing other operations.

Although polar ice is diminishing due to climate change, observers generally expect that this development will not eliminate the need for U.S. polar icebreakers, and in some respects might increase mission demands for them. Even with the diminishment of polar ice, there are still significant ice-covered areas in the polar regions, and diminishment of polar ice could lead in coming years to increased commercial cargo ship, cruise ship, research ship, and naval surface ship operations, as well as increased exploration for oil and other resources, in the Arctic—activities that could require increased levels of support from polar icebreakers, particularly since waters described as "ice free" can actually still have some amount of ice.[243] Changing ice conditions in Antarctic waters have made the McMurdo resupply mission more challenging since 2000.[244]

## Current Polar Icebreaker Fleet

The operational U.S. polar icebreaking fleet currently consists of one heavy polar icebreaker, *Polar Star*, and one medium polar icebreaker, *Healy*. In addition to *Polar Star*, the Coast Guard has a second heavy polar icebreaker, *Polar Sea*. *Polar Sea*, however, suffered an engine casualty in June 2010 and has been nonoperational since then. *Polar Star* and *Polar Sea* entered service in 1976 and 1978, respectively, and are now well beyond their originally intended 30-year service lives. The Coast Guard has used *Polar Sea* as a source of spare parts for keeping *Polar Star* operational.

## Polar Security Cutter (PSC) Program

A Department of Homeland Security (DHS) Mission Need Statement (MNS) approved in June 2013 states that "current requirements and future projections ... indicate the Coast Guard will need to expand its icebreaking capacity, potentially requiring a fleet of up to six icebreakers (3 heavy and 3 medium) to adequately meet mission demands in the high latitudes.... "[245]

The Coast Guard in its FY2013 budget initiated a program to acquire three new heavy polar icebreakers, to be followed years from now by the acquisition of up to three new medium polar icebreakers. The program was originally referred to as the polar icebreaker program but is now referred to as the Polar Security Cutter (PSC) program.

The Coast Guard estimates the total procurement costs of the new three heavy PSCs as $1,039 million (i.e., about $1.0 billion) for the first ship, $792 million for the second ship, and $788 million for the third ship, for a combined estimated cost of $2,619 million (i.e., about $2.6 billion). The first ship will cost more than the other two because it will incorporate design costs for the class and be at the start of the production learning curve for the class.

[243] For more on changes in the Arctic due to diminishment of Arctic ice, see CRS Report R41153, *Changes in the Arctic: Background and Issues for Congress*.

[244] National Research Council, *Polar Icebreakers in a Changing World, An Assessment of U.S. Needs*, Washington, 2007, pp. 6-7, 14, 63.

[245] Department of Homeland Security, *Polar Icebreaking Recapitalization Project Mission Need Statement, Version 1.0*, approved by DHS June 28, 2013, p. 9.

The PSC program has received a total of $1,034.6 million (i.e., about $1.0 billion) in procurement funding through FY2019, including $300 million provided through the Navy's shipbuilding account in FY2017 and FY2018. The Coast Guard's proposed FY2020 budget requests $35 million in procurement funding for the PSC program, which is enough to cover the PSC program's FY2020 government program-management costs. The Coast Guard's FY2019 budget submission had projected that a total of $125 million in procurement funding would be requested for the PSC program in FY2020.

On April 23, 2019, the Coast Guard-Navy Integrated Program Office for the PSC program awarded a $745.9 million fixed-price, incentive-firm contract for the detail design and construction (DD&C) of the first PSC to VT Halter Marine of Pascagoula, MS, a shipyard owned by Singapore Technologies (ST) Engineering. VT Halter was the leader of one of three industry teams that competed for the DD&C contract. The first PSC is scheduled to begin construction in 2021 and be delivered in 2024, though the DD&C contract includes financial incentives for earlier delivery.[246]

## Search and Rescue (SAR)[247]

### Overview

Increasing sea and air traffic through Arctic waters has increased concerns regarding Arctic-area search and rescue (SAR) capabilities.[248] **Table 1** presents figures on ship casualties in Arctic Circle waters from 2005 to 2017. As shown in the table, the number of ship casualties in Arctic waters has grown in recent years to an annual total of about 50 to 70, most of which are caused by damage to or failure of ship machinery or the stranding or wrecking or ships.

Given the location of current U.S. Coast Guard operating bases, it could take Coast Guard aircraft several hours, and Coast Guard cutters days or even weeks, to reach a ship in distress or a downed aircraft in Arctic waters. The Coast Guard states that "the closest Coast Guard Air Station to the Arctic is located in Kodiak, AK, approximately 820 nautical miles south of Utqiagvik, AK, which is nearly the same distance as from Boston, MA to Miami, FL."[249] In addition to such long distances, the harsh climate complicates SAR operations in the region. Particular concern has been expressed about cruise ships carrying large numbers of civilian passengers that may experience problems and need assistance.[250] There have already been incidents of this kind with

[246] For more on the polar icebreaker program, see CRS Report RL34391, *Coast Guard Polar Security Cutter (Polar Icebreaker) Program: Background and Issues for Congress*.

[247] This section prepared by Ronald O'Rourke, Specialist in Naval Affairs, Foreign Affairs, Defense, and Trade Division.

[248] See, for example, "Arctic Search and Rescue May Face Challenges," *Cruise Industry News*, June 27, 2019; Robbie Gramer, "Stretched Thin on Thin Ice; With the Arctic Melting and Norther Coast Guards Struggling to Keep Up, the Next Disaster Is a Matter of When, Not If," *Foreign Policy*, September 12, 2018; Edward Struzik, "As Ice Recedes, the Arctic Isn't Prepared for More Shipping Traffic," phys.org, September 5, 2018; Derek Minemyer, "Arctic Council Members Say Alaska Needs Search and Rescue in the Arctic, Now," *KTUU*, August 16, 2018; Timothy William James Smith, *Search and Rescue in the Arctic: Is the U.S. Prepared?* RAND Corporation, 2017, 148 pp. (Dissertation report RGSD-382.)

[249] Coast Guard, *Arctic Strategic Outlook*, April 2019, p. 11.

[250] See, for example, Jane George, "Exercise Held to Prepare for Arctic Cruise Ship Mishap," *Nunatsiaq News*, April 15, 2019; Brian Castner, "How to Rescue a Cruise Ship in the Northwest Passage," *Motherboard (Vice)*, October 24, 2017; Henry Fountain, "With More Ships in the Arctic, Fears of Disaster Rise," *New York Times*, July 23, 2017; Gwladys Fouche, "Uncharted Waters: Mega-Cruise Ships Sail the Arctic," *Reuters*, October 10, 2016; Abbie Tingstad and Timothy Smith, "Being Safer in the Arctic," *National Interest*, October 3, 2016.

cruise ships in recent years in waters off Antarctica, and a Russian-flagged passenger ship with 162 people on board ran aground on Canada's Northwest Passage on August 24, 2018.[251] Coast Guard officials have noted the long times that would be needed to respond to potential emergency situations in certain parts the Arctic. The Coast Guard is participating in exercises focused on improving Arctic SAR capabilities.[252]

**Table 1. Ship Casualties in Arctic Circle Waters, 2005-2014**

(Ships of 100 gross tons or more)

| | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Machinery damage/failure | 2 | 3 | 5 | 13 | 14 | 16 | 12 | 13 | 20 | 27 | 46 | 32 | 46 |
| Wrecked/ stranded | 1 | 4 | 10 | 11 | 14 | 9 | 9 | 8 | 10 | 14 | 6 | 11 | 9 |
| Miscellaneous | 0 | 0 | 5 | 1 | 4 | 4 | 2 | 6 | 5 | 5 | 6 | 4 | 6 |
| Collision | 0 | 0 | 0 | 1 | 4 | 10 | 4 | 4 | 2 | 0 | 3 | 2 | 4 |
| Fire/explosion | 0 | 0 | 3 | 1 | 2 | 6 | 6 | 1 | 4 | 2 | 4 | 1 | 3 |
| Contact (e.g., harbor wall) | 0 | 0 | 1 | 1 | 2 | 4 | 1 | 3 | 6 | 4 | 5 | 1 | 1 |
| Hull damage | 0 | 1 | 3 | 1 | 6 | 2 | 2 | 1 | 2 | 1 | 1 | 2 | 2 |
| Foundered (i.e., sunk or submerged) | 0 | 0 | 1 | 1 | 2 | 0 | 3 | 1 | 1 | 2 | 0 | 1 | 0 |
| Labor dispute | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| **Total** | **3** | **8** | **28** | **30** | **48** | **51** | **39** | **37** | **50** | **55** | **71** | **55** | **71** |

**Sources:** For 2005-2007: Allianz Global Corporate & Specialty, Safety and Shipping Review 2015, p. 28. (Table entitled "Arctic Circle Waters—All Casualties including Total Losses 2005–2014."). For 2008-2017: Allianz Global Corporate & Specialty, Safety and Shipping Review 2018, p. 29. (Table entitled "Arctic Circle Waters—Causes of Casualties (Shipping Incidents) 2008-2017.") The two tables include similar source notes; the one for the second source states: "Source: Lloyd's List Intelligence Casualty Statistics; Data Analysis & Graphic: Allianz Global Corporate & Specialty.")

Increasing U.S. Coast Guard SAR capabilities for the Arctic could require one or more of the following: enhancing or creating new Coast Guard operating bases in the region; procuring additional Arctic-capable aircraft, cutters, and rescue boats for the Coast Guard; and adding systems to improve Arctic maritime communications, navigation, and domain awareness.[253] It

[251] Malte Humpert, "A Cruise Ship Runs Aground in Canada's Arctic Waters; The Akademik Ioffe's Sister Ship Was Nearby, and Together with Canadian Coast guard Ships, Was Able to Rescue All Passengers," *Arctic Today*, August 28, 2018.

[252] See, for example, Av Ragnhild Grønning, "Mass Exercise Tests Emergency Response in the Arctic," *High North News*, August 219, 2016; Julia Bergman, "Mass Rescue Exercise Tests Response Capabilities in Arctic," *New London Day*, August 24, 2016; Wendy Laursen, "Mass Arctic Rescue Exercise Begins," *Maritime Executive*, August 24, 2016; Tim Ellis, "Cruise-Ship Evacuation Exercise Begins as Luxury Liner Prepares for Arctic Ocean Transit," *KUAC (alaskapublic.org)*, August 23, 2016; Bill Colclough, "USCG to Participate with AK Command in Arctic Chinook Exercises," *Alaska Native News*, August 23, 2016.

[253] For a report assessing certain emergency scenarios in the Arctic, including search and rescue scenarios, see *Opening the Arctic Seas, Envisioning Disasters and Framing Solutions*, Coastal Response and Research Center, University of New Hampshire, report of January 2009, based on conference held March 18-20, 2008, at Durham, NH.

may also entail enhanced forms of cooperation with navies and coast guards of other Arctic countries.

A 2017 survey of Arctic SAR capabilities conducted as part of the Finnish Border Guard's Arctic Maritime Safety Cooperation project in cooperation with the Arctic Coast Guard Forum stated the following:

> The key challenges for Arctic search and rescue identified in this survey include long distances, severe weather, ice and cold conditions, a poor communications network, lack of infrastructure and lack of resource presence in the region. In addition, the capacity to host patients, achieving situational awareness, and unsuitable evacuation and survival equipment pose major challenges for maritime safety and SAR in the Arctic.
>
> The Arctic SAR authorities have recognized a need to further develop advanced information sharing between coast guards, emergency authorities, and other stakeholders involved in SAR operations. In addition, joint training and systematic sharing of lessons learned, as well as technological innovation in communications networks and connections, navigation, survival and rescue equipment, and healthcare services are being called for in order to improve SAR capabilities in the Arctic.
>
> The survey recommends enhancing practical cooperation between various stakeholders involved in Arctic SAR such as coast guards, rescue centers, other authorities, industry groups, private operators, academia and volunteer organizations. It encourages further information sharing on infrastructure projects and resource assets, Automatic Identification System and weather data, emergency plans and standard operating procedures, as well as exercises and lessons learned via a common database. Furthermore, developing joint courses specifically intended for Arctic SAR and establishing a working group that examines new innovations and technological developments, are recommended as potential initiatives for improving practical international cooperation.[254]

## May 2011 Arctic Council Agreement on Arctic SAR

On May 12, 2011, representatives from the member states of the Arctic Council, meeting in Nuuk, Greenland, signed an agreement on cooperation on aeronautical and maritime SAR in the Arctic. Key features of the agreement include the following:

- Article 3 and the associated Annex to the agreement essentially divide the Arctic into SAR areas within which each party has primary responsibility for conducting SAR operations, stating that "the delimitation of search and rescue regions is not related to and shall not prejudice the delimitation of any boundary between States or their sovereignty, sovereign rights or jurisdiction," and that "each Party shall promote the establishment, operation and maintenance of an adequate and effective search and rescue capability within its area."
- Article 4 and the associated Appendix I to the agreement identify the competent authority for each party. For the United States, the competent authority is the Coast Guard.
- Article 5 and the associated Appendix II to the agreement identify the agencies responsible for aeronautical and maritime SAR for each party. For the United States, those agencies are the Coast Guard and the Department of Defense.

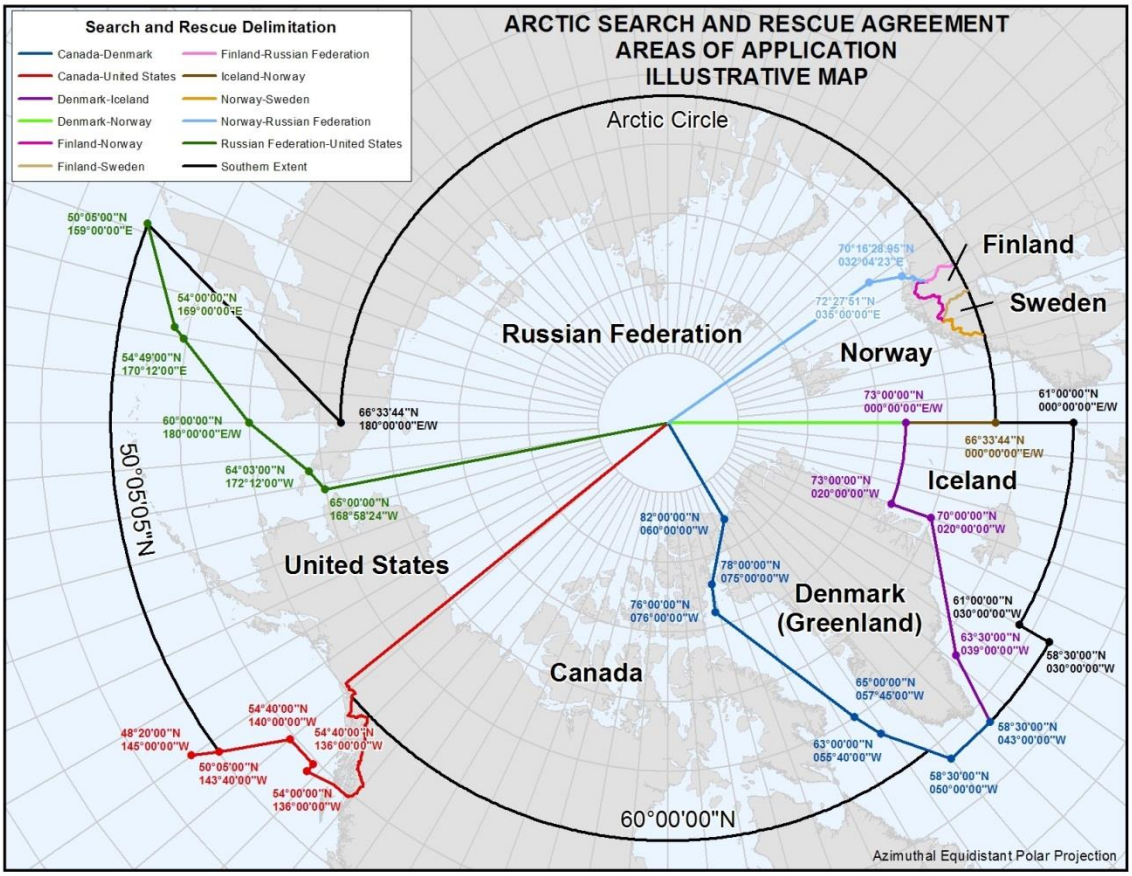
[254] Emmi Ikonen, *Arctic Search and Rescue Capabilities Survey: Enhancing International Cooperation 2017*, Finnish Border Guard, Arctic Maritime Safety Cooperation (SARC) project, August 2017, p. iv. See also Finnish Red Cross, *Red Cross Arctic Disaster Management Study*, August 2018, 71 pp.

- Article 6 and the associated Appendix III to the agreement identify the aeronautical and/or maritime rescue coordination centers (RCCs) for each party. For the United States, the RCCs are Joint Rescue Coordination Center Juneau (JRCC Juneau) and Aviation Rescue Coordination Center Elmendorf (ARCC Elmendorf).
- Article 12 states that "unless otherwise agreed, each Party shall bear its own costs deriving from its implementation of this Agreement," and that "implementation of this Agreement shall be subject to the availability of relevant resources."[255]

**Figure 4** shows an illustrative map of the national areas of SAR responsibility based on the geographic coordinates listed in the Annex to the agreement.

**Figure 4. Illustrative Map of Arctic SAR Areas in Arctic SAR Agreement**

(Based on geographic coordinates listed in the agreement)




**Source:** "Arctic Search and Rescue Agreement," accessed July 7, 2011, at http://www.arcticportal.org/features/features-of-2011/arctic-search-and-rescue-agreement.

[255] Source: Text of final version of agreement made ready for signing and dated April 21, 2011, https://oaarchive.arctic-council.org/bitstream/handle/11374/531/EDOCS-1910-v1-ACMMDK07_Nuuk_2011_Arctic_SAR_Agreement_unsigned_EN.PDF?sequence=8&isAllowed=y. For a State Department fact sheet on the agreement, see "Secretary Clinton Signs the Arctic Search and Rescue Agreement with Other Arctic Nations," May 12, 2011, accessed October 2, 2015, at https://2009-2017.state.gov/r/pa/prs/ps/2011/05/163285.htm.

An October 12, 2015, press report states the following:

> More people are wishing to explore icy environments, says Peter Hellberg, manager responsible for the SAR process at the Swedish Maritime Administration. Hellberg is part of an IMO/International Civil Aviation Organization (ICAO) working group that is re-evaluating search and rescue (SAR) operations in Polar waters as a result of this push.
>
> The working group includes both a maritime and aeronautical perspective, and it has identified a need for more detailed guidance for SAR organizations which will be achieved through an update of the International Aeronautical and Maritime Search and Rescue Manual (IAMSAR) planned for 2019.
>
> While the IAMSAR manual is not mandatory, it is followed by most SAR organizations around the world. It provides the framework for setting up a multi-national SAR, giving different parties guidance on the necessary arrangements for Arctic areas.
>
> The guidance will be expanded on based on the Polar Code and other recent IMO regulatory updates, and from an aeronautical perspective, from lessons learned after the disappearance of Malaysian Airlines' MH370.[256]

# Geopolitical Environment[257]

## Shift to Era of Renewed Great Power Competition

A principal factor affecting the geopolitical environment for the Arctic is the shift that has occurred in recent years from the post-Cold War era that began in the late 1980s and early 1990s, also sometimes known as the unipolar moment (with the United States as the unipolar power), to a new and different international security environment that features, among other things, renewed great power competition with China and Russia and challenges by these two countries and others to elements of the U.S.-led international order that has operated since World War II.[258] This shift in the international security environment, combined with the diminishment of Arctic ice and the resulting increase in human activities in the Arctic, has several potential implications for the geopolitical environment for the Arctic, which are discussed in the following sections.

## Arctic Tradition of Cooperation and Low Tensions

The shift in the international security environment has raised a basic question as to whether the Arctic in coming years will continue to be a region generally characterized by cooperation and low tensions, as it was during the post-Cold War era, or instead become a region characterized at least in part by competition and increased tensions, as it was during the Cold War. In this regard, the shift in the international security environment poses a potential challenge to the tradition of cooperation, low tensions, peaceful resolution of disputes, and respect for international law—sometimes referred to as the "Arctic spirit"—that has characterized the approach used by the

[256] Wendy Laursen, "MH370, Polar Code Spark SAR Rethink," *Maritime Executive*, October 12, 2015.

[257] This section was prepared by Ronald O'Rourke, Specialist in Naval Affairs, Foreign Affairs, Defense, and Trade Division. It incorporates some material from a previous version of this section that was prepared by Carl Ek, who was a Specialist in International Relations, Foreign Affairs, Defense, and Trade Division, until his retirement on April 30, 2014. For questions relating to the European and Canadian parts of this section, contact Derek E. Mix, Analyst in European Affairs, Foreign Affairs, Defense, and Trade Division. For questions relating to the Chinese part of this section, contact Susan V. Lawrence, Specialist in Asian Affairs, Foreign Affairs, Defense, and Trade Division.

[258] For more on this shift, see CRS Report R43838, *A Shift in the International Security Environment: Potential Implications for Defense—Issues for Congress*.

Arctic states, particularly since the founding of the Arctic Council in 1996, for managing Arctic issues.[259]

Some observers argue that the Arctic states and other Arctic stakeholders should attempt to maintain the region's tradition of cooperation and low tensions, and work to prevent the competition and tensions that have emerged in Europe, Asia, and elsewhere in recent years from crossing over into the Arctic. These observers argue that the Arctic tradition of cooperation and low tensions has proven successful in promoting the interests of the Arctic states and other Arctic stakeholders on a range of issues, that it has served as a useful model for other parts of the world to follow, and that in light of tensions and competition elsewhere in the world, this model is needed more now than ever.[260]

Other observers could argue that, notwithstanding the efforts of Arctic states and other Arctic stakeholders to maintain the Arctic as a region of cooperation and low tensions, it is unreasonable to expect that the Arctic can be kept fully isolated from the competition and tensions that have arisen in other parts of the world. As a consequence, these observers could argue, the Arctic states and other Arctic stakeholders should begin taking steps to prepare for increased competition and higher tensions in the Arctic, precisely so that Arctic issues can continue to be resolved as successfully as conditions may permit, even in a situation of competition and increased tensions.

Still other observers might argue that a policy of attempting to maintain the Arctic as a region of cooperation and low tensions, though well-intentioned, could actually help encourage aggressive behavior by Russia or China in other parts of the world by giving those two countries confidence that their aggressive behavior in other parts of the world would not result in punitive costs being imposed on them in the Arctic. These observers might argue that maintaining the Arctic as a region of cooperation and low tensions in spite of aggressive Russian or Chinese actions elsewhere could help legitimize those aggressive actions and provide little support to peaceful countries elsewhere that might be attempting to resist them. This, they could argue, could facilitate a divide-and-conquer strategy by Russia or China in their relations with other countries, which in the long run could leave Arctic states with fewer allies and partners in other parts of the world for resisting unwanted Russian or Chinese actions in the Arctic.

Still others might argue that there is merit in some or all of the above perspectives, and that the challenge is to devise an approach that best mixes the potential strengths of each perspective.

In a May 6, 2019, speech in Finland that was given prior to the start of formal discussions at an Arctic Council ministerial meeting, Secretary of State Michael Pompeo stated:

> For reasons I'll explain in a moment, the region [i.e., the Arctic] has become an arena for power and for competition. And the eight Arctic states must adapt to this new future.

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[259] See, for example, Melody Schreiber, "As the Arctic Changes, International Cooperation May Be Put to the Test," *Arctic Today*, July 25, 2018; Stephanie Pezard, Abbie Tingstad, and Alexandria Hall, *The Future of Arctic Cooperation in a Changing Strategic Environment*, RAND Europe (PE-268RC), 2018, 18 pp.; Geoff Ziezulewicz, "As Arctic Waters Open, Nations Plant Their Flags," *Navy Times*, April 8, 2018; James Stavridis, "Avoiding a Cold War in the High North," *Bloomberg*, May 4, 2018; Kristina Spohr, "The Race to Conquer the Arctic—the World's Final Frontier," *New Statesman*, March 12, 2018.

[260] See, for example, Alexandra Brzozowski, "Avoid Politicising Arctic Issues, Expert Warns," *Euractiv*, February 8, 2019; Kevin McGwin, "More Military Activity May Spoil the Arctic's Atmosphere of Collaboration, Warns a Danish Report," *Arctic Today*, December 6, 2018; Hsin Hsuan Sun, "Arctic Council Sells Itself As a Model for International Cooperation at the UN," *Arctic Today*, July 23, 2018; John Grady, "Panel: Cooperation, Not Conflict Key to Future of the Arctic," *USNI News*, April 9, 2018; Levon Sevunts, "Arctic Nations Develop Coast Guard Co-operation," *Barents Observer*, March 13, 2018; Doug Tsuruoka, "Despite US-Russia Tensions, Arctic Powers Eye Cooperation," *Asia Times*, March 29, 2017.

In its first two decades, the Arctic Council has had the luxury of focusing almost exclusively on scientific collaboration, on cultural matters, on environmental research—all important themes, very important, and we should continue to do those.

But no longer do we have that luxury of the next hundred years….

To leverage the Arctic's—the Arctic continental, all nations, including non-Arctic nations, should have a right to engage peacefully in this region. The United States is a believer in free markets. We know from experience that free and fair competition, open, by the rule of law, produces the best outcomes.

But all the parties in the marketplace have to play by those same rules. Those who violate those rules should lose their rights to participate in that marketplace. Respect and transparency are the price of admission.

And let's talk about China for a moment. China has observer status in the Arctic Council, but that status is contingent upon its respect for the sovereign rights of Arctic states. The U.S. wants China to meet that condition and contribute responsibly in the region. But China's words and actions raise doubts about its intentions.

Beijing claims to be a "Near-Arctic State," yet the shortest distance between China and the Arctic is 900 miles. There are only Arctic States and Non-Arctic States. No third category exists, and claiming otherwise entitles China to exactly nothing.

That's not to say Chinese investment is unwelcome—indeed, quite the opposite. The United States and Arctic nations welcome transparent Chinese investments that reflect economic interest and national security ambitions. Between 2012 and 2017, China invested in the Arctic nearly $90 billion. It's planning to build infrastructure from Canada, to the Northwest Territories, to Siberia.

Just last month, Russia announced plans to connect the Northern Sea Route with China's Maritime Silk Road, which would develop a new shipping channel from Asia to northern Europe. Meanwhile, China is already developing shipping lanes in the Arctic Ocean.

This is part of a very familiar pattern. Beijing attempts to develop critical infrastructure using Chinese money, Chinese companies, and Chinese workers—in some cases, to establish a permanent Chinese security presence.

Our Pentagon warned just last week that China could use its civilian research presence in the Arctic to strengthen its military presence, including our deployment of submarines—including deployment of submarines to the region as a deterrent against nuclear attack.

We need to examine these activities closely, and we need—and we keep the experience we have learned of other nations in mind. China's pattern of aggressive behavior elsewhere in the—excuse me—aggressive behavior elsewhere should inform what we do and how it might treat the Arctic.

Let's just ask ourselves: Do we want Arctic nations broadly, or indigenous communities specifically, to go the way of former government in Sri Lanka or Malaysia, ensnared by debt and corruption? Do we want crucial Arctic infrastructure to end up like Chinese-constructed roads in Ethiopia, crumbling and dangerous after only a few years? Do we want the Arctic Ocean to transform into a new South China Sea, fraught with militarization and competing territorial claims? Do we want the fragile Arctic environment exposed to the same ecological devastation caused by China's fishing fleet in the seas off its coast, or unregulated industrial activity in its own country? I think the answers are pretty clear.

Then there's Russia. As a fellow Arctic Council member, Russia – the other Arctic states have fruitfully cooperated in a number of areas—expansive conservation efforts. Those are to be applauded. We want cooperation to continue. But we can't have one side cooperate, and the other side derogate its duties.

> We're concerned about Russia's claim over the international waters of the Northern Sea Route, including its newly announced plans to connect it with China's Maritime Silk Road. In the Northern Sea Route, Moscow already illegally demands other nations request permission to pass, requires Russian maritime pilots to be aboard foreign ships, and threatens to use military force to sink any that fail to comply with their demands.
>
> These provocative actions are part of a pattern of aggressive Russian behavior here in the Arctic. Russia is already leaving snow prints in the form of army boots. Russia formally announced its intent to increase its military presence in the region in 2014, when it re-opened a Cold War Arctic military base.
>
> Since then, thanks in part to its large icebreaker fleet, Russia has been able to renovate old bases and infrastructure. It claims to have built 475 new military sites, including bases north of the Arctic Circle, as well as 16 new deep-water ports. It secures this presence through sophisticated new air defense systems and anti-ship missiles.
>
> No one denies Russia has significant Arctic interests. We recognize that Russia is not the only nation making illegitimate claims. The U.S. has a long-contested feud with Canada over sovereign claims through the Northwest Passage.
>
> But Russia is unique. Its actions deserve special attention, special attention of this Council, in part because of their sheer scale. But also because we know Russian territorial ambitions can turn violent. 13,000 people have been killed due to Russia's ongoing aggressive action in Ukraine.
>
> And just because the Artic is a place of wilderness does not mean it should become a place of lawlessness. It need not be the case. And we stand ready to ensure that it does not become so.[261]

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[261] State Department, "Looking North: Sharpening America's Arctic Focus, Remarks, Michael R. Pompeo, Secretary of State, Rovaniemi, Finland, May 6, 2019," accessed August 23, 2019 at: https://www.state.gov/looking-north-sharpening-americas-arctic-focus/.

For press reports about the speech, including reports of reactions by observers in other countries, see Blake Hounshell, "Pompeo Aims to Counter China's Ambitions in the Arctic," *Politico*, May 6, 2019; Courtney McBride, "Pompeo Issues Warning to China, Russia on Arctic," *Wall Street Journal*, May 6, 2019; Simon Johnson, "Pompeo: Russia Is 'Aggressive' in Arctic, China's Work There Also Needs Watching," *Reuters*, May 6, 2019; Eilis Quinn (Radio Canada International), "U.S. Stuns Audience by Tongue-Lashing China, Russia on Eve of Arctic Council Ministerial," *Barents Observer*, May 6, 2019; Amund Trellevik, "USA Launches Head-On Verbal Attack on Russia and China," *High North News*, May 7, 2019; Amund Trellevik, "MP Argues That Pompeo Provoked Unnecessarily—Fears for High North Cooperation," *High North News*, May 7, 2019; Victoria Herrmann, "Pompeo: Melting Sea Ice Presents Trade Opportunities," *CNN*, May 10, 2019; Mia Bennett, "China Reveals Arctic Geopolitics to Be Above Pompeo's Pay Grade," *Arctic Today*, May 11, 2019; Dermot Cole, "Pompeo's Bombastic Arctic Council Performance Could Prove an Aberration—Or A New Normal," *Arctic Today*, May 13, 2019; Siri Gulliksen Tømmerbakke, "Strong Chinese Reactions to Pompeo's Speech," *High North News*, May 16, 2019; Arne O. Holm, "Peave and Love, My Ass," *High North News*, May 16, 2019; Siri Gulliksen Tømmerbakke, "China Will Seek to Treat The Pompeo Speech As Simply 'Road Damage' to Be Routed Around," *High North News*, May 16, 2019; Maiya Clark, "Pompeo Seeks New Strategic Agenda for Arctic, Cautions Allies on China's Intentions, *Daily Signal*, May 17, 2019.

The United States believes that the part of the Northwest Passage that runs through the Canadian archipelago is an international strait; Canada believes it is internal Canadian waters. Since 1985, when the use of the waterway by a U.S. polar icebreaker led to a diplomatic dispute between the United States and Canada, the two countries have agreed to disagree on the issue, and the issue had remained largely dormant. Secretary Pompeo's mention of the issue in his May 6, 2019, speech put a spotlight back on the matter. For press reports discussing this part of the speech, see Lloyd Alter, "American Secretary of State Calls Canadian Claim to Northwest Passage 'Illegitimate,'" *Tree Hugger*, May 7, 2019; Jane George, "Canadian Inuit Challenge U.S. Stance on Northwest Passage," *Nunatsiaq News*, May 9, 2019; Siri Gulliksen Tømmerbakke, "Canada Is Pushing Back at Pompeo's Assertion That Canada's Claim to the Northwest Passage is 'Illegitimate,'" *High North News*, May 16, 2019; Robert Huebert, "Winning at All Costs: The Bizarre Position of the Trump Administration on the Northwest Passage," *Globe and Mail*, May 20, 2019; Dermot Cole, "Insulting Canada Won't Help the US with Its Arctic Ambitions," *Arctic Today*, June 3, 2019; Alastair Allan, "Canada

## Arctic Governance

### *Spotlight on Arctic Governance and Limits of Arctic Council*

The shift in the international security environment to a situation of renewed great power competition has put more of a spotlight on the issue of Arctic governance and the limits of the Arctic Council as a governing body.[262] As noted earlier in this report, regarding the limits of the Arctic Council as a governing body, the council states that "The Arctic Council does not and cannot implement or enforce its guidelines, assessments or recommendations. That responsibility belongs to each individual Arctic State. The Arctic Council's mandate, as articulated in the Ottawa Declaration, explicitly excludes military security.[263]

During the post-Cold War era—the period when the Arctic Council was established and began operating—the limits of the Arctic Council as a governing body may have been less evident or problematic, due to the post-Cold War era's general situation of lower tensions and reduced overt competition between the great powers. In the new situation of renewed great power competition, however, it is possible that these limits could become more evident or problematic, particularly with regard to addressing Arctic-related security issues.

If the limits of the Arctic Council as a governing body are judged as having become more evident or problematic, one option might be to amend the rules of the council to provide for some mechanism for enforcing its guidelines, assessments, or recommendations. Another option might be to expand the council's mandate to include an ability to address military security issues.

Supporters of such options might argue that they could help the council adapt to the major change in the Arctic's geopolitical environment brought about the shift in the international security environment, and thereby help maintain the council's continued relevance in coming years. They might also argue that continuing to exclude military security from the council's mandate risks either leaving Arctic military security issues unaddressed, or shifting them to a different forum that might have traditions weaker than those of the Arctic Council for resolving disputes peacefully and with respect for international law.

Opponents of such options might argue that they could put at risk council's ability to continue addressing successfully nonmilitary security issues pertaining to the Arctic. They might argue that there is little evidence to date that the council's limits as a governing body have become problematic, and that in light of the council's successes since its founding, the council should be viewed as an example of the admonition, "if it isn't broke, don't fix it."[264]

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Needs to Cut a Deal with the U.S. to Control the Northwest Passage," *National Post (Canada)*, August 8, 2019. See also Melody Schreiber, "Russia and China May Lose Their Legal Claim to Arctic Seaways as Ice Melts, Experts Say," *Arctic Today*, April 4, 2019.

[262] See, for example, David Balton and Fran Ulmer, *A Strategic Plan for the Arctic Council: Recommendations for Moving Forward*, The Arctic Initiative (Belfer Center for Science and International Affairs, Harvard Kennedy School) and The Polar Institute (Woodrow Wilson International Center for Scholars), June 2019, 15 pp.; Mckenna Coffey, "Concerns Rise Over Governance Gap in Arctic," *New Security Beat (Wilson Center)*, August 5, 2019; Melody Schreiber, "Will the Arctic Council Begin Addressing National Security?" *Arctic Today*, May 17, 2019; Arne O. Holm, "Does the Arctic Council Have Enough Power in It to Keep the Arctic a Peaceful Region?" High North News, April 27, 2019; Gosia Smieszek, "Costs and Reality of Reforming the Arctic Council," *Arctic Institute*, April 9, 2019; John Grady, "Old Treaties Called Into Question as Arctic Competition Increases," *USNI News*, December 20, 2016.

[263] Arctic Council, "The Arctic Council: A Backgrounder," updated September 13, 2018, accessed August 2, 2018, at https://arctic-council.org/index.php/en/about-us.

[264] For further discussion of the limits of the Arctic Council and what, if anything, to do about it, see, for example, Heather Exner-Pirot et al., "Form and Function: The Future of the Arctic Council," *Arctic Institute*, February 5, 2019.

### *China and Arctic Governance*

China—which is not one of the eight Arctic states and consequently does not have a decisionmaking role in the Arctic Council—has begun to raise questions as to whether the Arctic Council as currently constituted and the current broader legal framework for the Arctic should continue to be the principal means for addressing issues relating to the Arctic, and has begun to use other approaches for influencing Arctic governance.[265] In May 2019, a U.S. official stated that the United States "reject[s] attempts by non-Arctic states to claim a role" in Arctic governance.[266]

## Arctic and World Order

Another potential implication for the Arctic of the shift in the international security environment concerns the new environment's challenges to elements of the U.S.-led international order that has operated since World War II. One element of the U.S.-led international order that has come under challenge is the principle that force or threat of force should not be used as a routine or first-resort measure for settling disputes between countries. Another is the principle of freedom of the seas (i.e., that the world's oceans are to be treated as an international commons).[267] If either of these elements of the U.S.-led international order is weakened or overturned, it could have potentially major implications for the future of the Arctic, given the Arctic's tradition of peaceful resolution of disputes and respect for international law and the nature of the Arctic as a region with an ocean at its center that washes up against most of the Arctic states.

More broadly, some observers assess that the U.S.-led international order in general may be eroding or collapsing, and that the nature of the successor international order that could emerge in its wake is uncertain.[268] An erosion or collapse of the U.S.-led international order, and its replacement by a new international order of some kind, could have significant implications for the Arctic, since the Arctic's tradition of cooperation and low tensions, and the Arctic Council itself, can be viewed as outgrowths of the U.S.-led order.

## Relative Priority of Arctic in U.S. Policymaking

The shift in the international security environment has raised a question concerning the priority that should be given to the Arctic in overall U.S. policymaking. During the post-Cold War era, when the Arctic was generally a region of cooperation and low tensions, there may have been less need to devote U.S. policymaker attention and resources to the Arctic. Given how renewed great power competition and challenges to elements of the U.S.-led international order might be expressed in the Arctic in terms of issues like resource exploration, disputes over sovereignty and

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See also Marc Lanteigne, "The Growing Role of 'Track II' Organisations in the Arctic," Over the Circle, May 23, 2018.

[265] See, for example, Pan Yixuan, "Global Governance Needed for Arctic Affairs," *China Daily*, May 10, 2019; Zhang Yao, "Ice Silk Road Framework Welcomed by Countries, Sets New Direction for Arctic Cooperation," *Global Times*, April 7, 2019; Liu Caiyu, "China's Role in Arctic Governance 'Cannot Be Ignored,'" *Global Times*, November 22, 2018; Harriet Moynihan, "China Expands Its Global Governance Ambitions in the Arctic," Chatham House, October 15, 2018; Sydney J. Freedberg Jr., "China & Russia In The Arctic: Axis Of Ambivalence," *Breaking Defense*, July 6, 2018; Nengye Liu and Michelle Lim, "How Arctic Governance Could Become a Testing Ground for Sino-US Relations," *The Conversation*, March 29, 2017.

[266] Reuters, "US Rejects Interference by Non-Arctic Countries in Polar Region: Official," *Arctic Today*, May 3, 2019.

[267] For additional discussion, see CRS Report R43838, *Renewed Great Power Competition: Implications for Defense—Issues for Congress*, and, regarding the principle of freedom of the seas, CRS Report R42784, *China's Actions in South and East China Seas: Implications for U.S. Interests—Background and Issues for Congress*.

[268] For additional discussion, see CRS Report R44891, *U.S. Role in the World: Background and Issues for Congress*.

navigation rights, and military forces and operations, it might be argued that there is now, other things held equal, more need for devoting U.S. policymaker attention and resources to the Arctic.[269]

On the other hand, renewed great power competition and challenges to elements of the U.S.-led international order are also being expressed in Europe, the Middle East, the Indo-Pacific, Africa, and Latin America. As a consequence, it might be argued, some or all these other regions might similarly be in need of increased U.S. policymaker attention and resources. In a situation of constraints on total U.S. policymaker attention and resources, the Arctic would need to compete against these other regions for U.S. policymaker attention and resources.

## U.S., Canadian, and Nordic Relations with Russia in Arctic

### *Overview*

The shift in the international security environment to a situation of renewed great power competition raises a question for U.S., Canadian, and Nordic policymakers regarding the mix of cooperation and competition to pursue (or expect to experience) with Russia in the Arctic. In considering this question, geographic points that can be noted include the following:

- Russia, according to one assessment, "has at least half of the Arctic in terms of area, coastline, population and probably mineral wealth."[270] Russia has numerous cities and towns in its Arctic, uses its coastal Arctic waters as a maritime highway for supporting its Arctic communities, is promoting the Northern Sea Route that runs along Russia's Arctic coast for use by others, and is keen to capitalize on natural resource development in the region, both onshore and offshore. In this sense, of all the Arctic states, Russia might have the most at stake in the Arctic in absolute terms.[271]
- Arctic ice is diminishing more rapidly or fully on the Russian side of the Arctic than it is on the Canadian side. Consequently, the Northern Sea Route along Russia's coast is opening up more quickly for trans-Arctic shipping than is the Northwest Passage through the Canadian archipelago.

On the one hand, the United States, Canada, and the Nordic countries continue cooperate with Russia on a range of issues in the Arctic, including, to cite just one example, search and rescue (SAR) under the May 2011 Arctic Council agreement on Arctic SAR (see "Search and Rescue (SAR)"). More recently, the United States and Russia cooperated in creating a scheme for managing two-way shipping traffic through the Bering Strait and Bering Sea.[272] Observers see

[269] For an article bearing on this issue, see Heather A. Conley and Matthew Melino, "The Implications of U.S. Policy Stagnation toward the Arctic Region," Center for Strategic and International Studies, May 2019, 5 pp.

[270] "The Arctic: Special Report," *The Economist,* June 16, 2012, p. 11. As noted in the "Background" section of this CRS report, of the 4 million or so people who live above the Arctic circle, roughly half are in Russia.

[271] See also Stephanie Pezard, *The New Geopolitics of the Arctic, Russia's and China's Evolving Role in the Region*, RAND (Testimony presented before the Standing Committee on Foreign Affairs and International Development of the Canadian House of Commons on November 26, 2018), pp. 1-2.

[272] See, for example, U.S. Coast Guard, "U.S., Russia Propose Bering Strait Ship Traffic Routing Measures," January 25, 2018; Amy Midgett, "U.S., Russia Jointly Propose Bering Strait Routing Measures," *Coast Guard Maritime Commons*, January 25, 2018; Amy Midgett, "IMO Approves U.S.-Russian Federation Proposal for Bering Strait Routing Measures," *Coast Guard Maritime Commons*, May 25, 2018; Yereth Rosen, "With Marine Traffic Growing, International Shipping Agency Approves US-Russia Plan for Bering Strait Shipping Lanes," *Arctic Today*, May 26, 2018; Associated Press, "Maritime Organization Approves Two-Way Shipping Routes in Bering Strait," *CBC*, May 27,

possibilities for further U.S.-Russian cooperation in the Arctic.[273] On the other hand, as discussed later in this report, a significant increase in Russian military capabilities and operations in the Arctic in recent years has prompted growing concerns among U.S., Canadian, and Nordic observers that the Arctic might once again become a region of military tension and competition, as well as concerns about whether the United States, Canada, and the Nordic countries are adequately prepared militarily to defend their interests in the region.

Russian actions outside the Arctic could affect relations between Russia and the other Arctic states. For example, in protest of Russia's forcible occupation and annexation of Crimea and its actions elsewhere in Ukraine, Canada announced that it would not participate in an April 2014 working-level-group Arctic Council meeting in Moscow. In addition, former Secretary of State Hillary Clinton reportedly stated that Arctic cooperation may be jeopardized if Russia pursues expansionist policies in the high north.[274] Economic sanctions that the United States imposed on Russia in response to Russian actions in Ukraine could affect Russian Arctic offshore oil exploration.[275]

### *Northern Sea Route*

Another potential concern for U.S. policymakers in connection with Russia in the Arctic relates to the Northern Sea Route (NSR)—the Arctic shipping route linking Europe and Asia via waters running along Russia's Arctic coast. Russia considers certain parts of the NSR to be internal Russian waters and has asserted a right to regulate commercial shipping passing through these waters[276]—a position that creates a source of tension with the United States, which considers those waters to be international waters. The U.S.-Russian dispute over this issue could have implications not only for U.S.-Russian relations and the Arctic, but for other countries and other parts of the world as well, since international law is universal in its application, and a successful

2018; "U.S., Russia Propose Bering Strait Traffic Routing," *Maritime Executive*, May 27, 2018; Margaret Kriz Hobson, "Amid Ice Melt, New Shipping Lanes Are Drawn Up off Alaska," *E&E News (Scientific American)*, May 29, 2018.

[273] See, for example, Levon Sevunts (Radio Canada International), "In the Arctic As in Space, Russia and West Can Look Past Differences to Pursue Common Goals: Study," *Eye on the Arctic (Radio Canada International)*, June 14, 2019; Mike Sfraga and Lawson Brigham, "US, Russia Can Look North to the Arctic to Find Common Ground," *The Hill*, July 17, 2018. See also Martin Breum "Why Russia Is Likely to Remain Cooperative in the Arctic," *Arctic Today*, November 22, 2018.

[274] Naval Exercise on Hold Due to Ukraine Tensions. *Navy Times*. March 13, 2014. Hillary Warns Against Russia in Arctic. Barents Observer. April 3, 2014. http://barentsobserver.com/en/arctic/2014/04/hillary-warns-against-russia-arctic-03-04 Canada Takes Principled Stand on Arctic Council Meetings. Ministry of Foreign Affairs, Trade, and Development Canada. April 15, 2014, http://www.international.gc.ca/media/arctic-arctique/news-communiques/2014/04/15a.aspx?lang=eng, Crimea Crises Changes Nordic Defense Perspective.

[275] See, for example, Reuters staff, "Expanded U.S. Sanctions May Affect Russia's Foreign Expansion in Oil and Gas" *Reuters*, November 19, 2017.

[276] See, for example, James Foggo III, "Russia, China Offer Challenges in the Arctic," *Defense One*, July 10, 2019; Dmitry Sudakov, "Russia Closes Northern Sea Route for Foreign Warships," *Pravda Report*, May 30, 2019; Nastassia Astrasheuskaya and Henry Foy, "Polar Powers: Russia's Bid for Supremacy in the Arctic Ocean," *Financial Times*, April 27, 2019; James R. Holmes, "Don't Let Russia Create a 'Caribbean' in the Arctic," *The Hill*, March 28, 2019; Marex (Maritime Executive), "Russia Tightens Control Over Northern Sea Route," *Maritime Executive*, March 8, 2019; Atle Staalesen, "Russia Sets Out Stringent New Rules for Foreign Ships on the Northern Sea Route," *Barents Observer*, March 8, 2019; Will Stewart, "Moscow Threatens to Sink Foreign Ships Using Arctic Sea Route That Links Atlantic to the Pacific Unless It Is Given 45 Days Notice of Voyages and Vessels Take a Russian Pilot on Board," *Daily Mail*, March 6, 2019; "Russia Will Restrict Foreign Warships in Arctic Ocean, Defense Official Says," *Moscow Times*, November 30, 2018.

challenge to international waters in one part of the world can serve as a precedent for challenging it in other parts of the world.

## NATO, the EU, and the Arctic

The shift in the international security environment has led to a renewal of NATO interest in NATO's more northerly areas. During the Cold War, NATO member Norway and its adjacent sea areas were considered to be the northern flank of NATO's defensive line against potential aggression by the Soviet-led Warsaw Pact alliance. With the end of the Cold War and the shift to the post-Cold War era, NATO planning efforts shifted away from defending against potential aggression by Russia, which was considered highly unlikely, and toward other concerns, such as the question of how NATO countries might be able to contribute to their own security and that of other countries by participating in out-of-area operations, meaning operations in areas outside Europe.

With the ending of the post-Cold War era and the shift in the international security environment to a period of renewed great power competition, NATO is now once again focusing more on the question of how to deter potential Russian aggression against NATO countries, including in the Arctic.[277] As one consequence of that, Norway and its adjacent sea areas are once again receiving more attention in NATO planning.[278] For example, a NATO exercise called Trident Juncture 18 that was held from October 25 to November 7, 2018, in Norway and adjacent waters of the Baltic and the Norwegian Sea, with participation by all 29 NATO members plus Sweden and Finland, was described as NATO's largest exercise since the Cold War, and featured a strong Arctic element, including the first deployment of a U.S. Navy aircraft carrier above the Arctic Circle since 1991.[279] The question of NATO's overall involvement in the Arctic, however, has been a matter of debate within NATO.[280] The European Union (EU) is also showing increased interest in the Arctic.[281]

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[277] See, for example, Tyler Cross, :The NATO Alliance's Role in Arctic Security," *Maritime Executive*, July 19, 2019.

[278] See, for example, Teri Schultz, "NATO and Washington Worry About Russian Subs in the High North," *Deutsche Welle*, April 26, 2018.

[279] See, for example, Christopher Woody, "'We Can Do Better': The Navy's Newest Fleet Commander Says US Ships and Sailors Got 'Beat Up' During NATO's Biggest Exercise Since the Cold War," *Business Insider*, December 4, 2018; Levon Sevunts, "NATO's Arctic Dilemma; Two Visions of the Arctic Collide as NATO and Russia Flex Muscles," *Radio Canada International*, December 3, 2018; Megan Eckstein, "Truman CSG: Arctic Strike Group Operations Required Focus on Logistics, Safety," *USNI News*, November 6, 2018; Mary Thompson-Jones, "NATO's Arctic Exercise is a Good Start to Standing Up to Russian Militarization of the High North," *National Interest*, November 6, 2018; Pierre-Henry Deshayes, "Antifreeze and Balaclavas: NATO Troops in cold War Games," *Military.com*, November 2, 2018; Vasco Cotovio and Frederik Pleitgen, "Submarines a Centerpiece of Russia's Navy," *CNN*, November 19, 2018; Shawn Snow, "The Corps' Armor Makes a Big Showing in Norway as Marines Test Future Force," *Marine Corps Times*, October 25, 2018; Terje Solsvik, "As Winter Comes, NATO Kicks Off Largest Maneuvers Since Cold War," *Reuters*, October 25, 2018; Kyle Rempfer, "US Breaches the Arctic with Marines, Fighter Jets and Aircraft Carriers," *Military Times*, October 23, 2018; Megan Eckstein, "Truman Carrier Strike Group Operating North of Arctic Circle; First Time for US Navy Since 1991," *USNI News*, October 19, 2018; Thomas Gooley, "HST Strike Group Enters Arctic Circle, Prepares for NATO Exercise," *DVIDS (Defense Visual Information Distribution Service)*, October 19, 2018; Thomas Nilsen, "US Marines Launch Exercise in Northern Norway Ahead of Trident Juncture," *Barents Observer*, October 15, 2018.

[280] See, for example, Luke Coffey and Daniel Kochis, "Brussels NATO Summit 2018: Time to Get Serious About the Arctic," Heritage Foundation, June 27, 2018 (Issue Brief 4875), p. 1.

[281] See, for example, Wesley Morgan, "Politico Pro Q&A: EU Ambassador at Large for the Arctic Marie-Anne Coninsx," *Politico Pro*, August 6, 2019; Adam Stepien and Andreas Raspotnik, "The EU's Arctic Policy: Between Vision and Reality," *College of Europe Policy Brief*, August 2019, 5 pp.; Martin Breum, "Spurred by Chinese and Russian Activity, EU President Juncker Is Making the Arctic More Central to EU Policy," *Arctic Today*, February 20,

## China in the Arctic

### *China's Growing Activities in Arctic*

China's activities in the Arctic have grown steadily in recent years. As noted earlier in this report, China was one of six non-Arctic states that were approved for observer status by the Arctic Council in 2013.[282] China in recent years has engaged in growing diplomatic activities with the Nordic countries, and has increased the size of its diplomatic presences in some of them. China has also engaged in growing economic discussions with Iceland and with Greenland, a territory of Denmark that might be moving toward eventual independence.[283]

China has an Arctic-capable icebreaker, *Xue Long* (Snow Dragon), that in recent years has made several transits of Arctic waters—operations that China describes as research expeditions[284]—and has completed construction of a second Arctic-capable icebreaker (the first that China has built domestically), named *Xue Long 2*.[285] China has also announced an intention to eventually build a 30,000-ton nuclear-powered icebreaker,[286] which would make China only the second country (following Russia) to operate a nuclear-powered icebreaker. Like several other nations, China has established a research station in the Svalbard archipelago.

China in January 2018 released a white paper on China's Arctic policy that refers to China as a "near-Arctic state."[287] (China's northernmost territory, northeast of Mongolia, is at about the same

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2019. See also Kevin McGwin, "Already Quietly Active in the Region, the EU Is Increasingly Stepping onto the Arctic Stage," *Arctic Today*, October 10, 2018; Kevin McGwin, "The Week Ahead: Bringing the Arctic to Brussels," *Arctic Today*, September 17, 2018.

[282] The other five were India, Italy, Japan, Singapore, and South Korea. For the full list of observers and when they were approved for observer status, see Arctic Council, "Observers," accessed July 20, 2018 at https://arctic-council.org/index.php/en/about-us/arctic-council/observers.

[283] See, for example, Marc Lanteigne, "Stumbling Block: China-Iceland Oil Exploration Reaches an Impasse," *Over the Circle*, January 24, 2018. "Greenland Plans Office in Beijing to Boost Trade Ties with China," *Reuters*, July 18, 2018.

[284] See, for example, "Icebreaker Sets Sail on China's 9th Arctic Research Expedition," *Xinhua*, July 20, 2018; "China Begins 9th Arctic Expedition to Help Build 'Polar Silk Road,'" *Global Times*, July 20, 2018.

[285] "China Delivers First Self-Built Icebreaking Research Vessel," *People's Daily Online*, July 12, 2019; Kamaran Malik, "China Launches First Locally-made Icebreaker," *Asia Times*, July 11, 2019.

[286] See Thomas Nilsen, "Details of China's Nuclear-Powered Icebreaker Revealed," *Barents Observer*, March 21, 2019; Zhao Yusha, "China One Step Closer to Nuke-Powered Aircraft Carrier with Cutting-Edge Icebreaker Comes on Stream," ChinaMil.com, June 23, 2018; China Daily, "China's 1st Nuclear-Powered Icebreaker in the Pipeline," *People's Daily Online*, June 25, 2018; Kyle Mizokami, "China Is Planning a Nuclear-Powered Icebreaker," *Popular Mechanics*, June 25, 2018; *China Military Online*, "Why Is China Building a 30,000-Ton Nuclear-Powered Icebreaker?" ChinaMil.com, June 30, 2018.

[287] "Full Text: China's Arctic Policy," *Xinhua*, January 26, 2018, accessed July 20, 2018, at http://www.xinhuanet.com/english/2018-01/26/c_136926498.htm. The white paper states that "China is an important stakeholder in Arctic affairs. Geographically, China is a 'Near-Arctic State', one of the continental States that are closest to the Arctic Circle. The natural conditions of the Arctic and their changes have a direct impact on China's climate system and ecological environment, and, in turn, on its economic interests in agriculture, forestry, fishery, marine industry and other sectors. China is also closely involved in the trans-regional and global issues in the Arctic, especially in such areas as climate change, environment, scientific research, utilization of shipping routes, resource exploration and exploitation, security, and global governance. These issues are vital to the existence and development of all countries and humanity, and directly affect the interests of non-Arctic States including China."

Somewhat similarly, France's June 2016 national roadmap for the Arctic refers to France as a "polar nation." (Republique Francaise, Ministere des Affaires Etrangeres et du Developpement International, *The Great Challenge of the Arctic, National Roadmap for the Arctic*, June 2016, 60 pp.) The document states on page 9 that "France has established itself over the last three centuries as a polar nation, with a strong tradition of expeditions and exploration,

latitude as the Aleutian Islands in Alaska, which, as noted earlier in this report, the United States includes in its definition of the Arctic for purposes of U.S. law.) The white paper refers to trans-Arctic shipping routes as the Polar Silk Road, and identifies these routes as a third major transportation corridor for the Belt and Road Initiative (BRI), China's major geopolitical initiative, first announced by China in 2013, to knit Eurasia and parts of Africa together in a Chinese-anchored or Chinese-led infrastructure and economic network.[288]

China appears to be interested in using the NSR to shorten commercial shipping times between Europe and China and perhaps also to reduce China's dependence on southern sea routes (including those going to the Persian Gulf) that pass through the Strait of Malacca—a maritime choke point that China appears to regard as vulnerable to being closed off by other parties (such as the United States) in time of crisis or conflict. China reportedly reached an agreement with Russia on July 4, 2017, to create an "Ice Silk Road,"[289] and in June 2018, China and Russia agreed to a credit agreement between Russia's Vnesheconombank (VEB) and the China Development Bank that could provide up to $9.5 billion in Chinese funds for the construction of select infrastructure projects, including in particular projects along the NSR.[290] In September 2013, the *Yong Shen, a* Chinese cargo ship, became the first commercial vessel to complete the voyage from Asia to Rotterdam via the NSR.[291]

China is interested in oil and gas exploration in the Arctic, and has made significant investments in Russia's Arctic oil and gas industry, including the Yamal natural gas megaproject located on Russia's Yamal Peninsula in the Arctic.[292] China is also interested in mining opportunities in the

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and permanent research bases at the poles," and on page 17 that "[b]uilding on its long-standing tradition of exploration and expeditions in high latitudes, France has carved out its place as a polar nation over the last three centuries. France has permanent scientific bases in the Arctic and in Antarctica." It can also be noted that the northernmost part of mainland France, next to Belgium and across the Strait of Dover from England, is almost as far north as the more southerly parts of the Aleutian Islands.

Also somewhat similarly, a November 2018 UK parliamentary report refers to the UK as a "near-Arctic neighbour." The report states the following: "While the UK is not an Arctic state, it is a near-Arctic neighbour. The UK's weather system is profoundly affected by changes in the Arctic's climate and sea currents. The UK has been an Observer to the Arctic Council since 1998." (United Kingdom, House of Commons, Environmental Audit Committee, *The Changing Arctic, Twelfth Report of Session 2017-19*, November 29, 2018, p. 3. [Report, together with formal minutes relating to the report, Ordered by the House of Commons to be printed November 6, 2018]. See also pp. 6, 29, and 32.)

See also Eva Dou, "A New Cold War? China Declares Itself a 'Near-Arctic State,' *Wall Street Journal*, January 26, 2018; Grant Newsham, "China As A 'Near Arctic State'—Chutzpah Overcoming Geography," *Asia Times*, January 30, 2018.

[288] See, for example, Sabena Siddiqui, "Arctic Ambition: Beijing Eyes the Polar Silk Road," *Asia Times*, October 25, 2018. The BRI's other two main corridors, which were announced at the outset of the BRI, are a land corridor that runs east to west across the middle of Eurasia—the "belt" in BRI—and a sea corridor called the Maritime Silk Road that passes through the South China Sea and the Indian Ocean to the Persian Gulf and the Mediterranean Sea—the "road" in BRI. For more on the BRI, see CRS In Focus IF10273, *China's "One Belt, One Road"*. See also Atle Staalesen, "Chinese Money for Northern Sea Route," *Barents Observer*, June 12, 2018. See also Lin Boqiang, "China Can Support Arctic Development as Part of B&R," *Global Times*, August 9, 2018.

[289] Xinhua, "China, Russia agree to jointly build 'Ice Silk Road,'" *Xinhuanet*, July 4, 2017.

[290] Atle Staalesen, Chinese Money for Northern Sea Route," *Barents Observer*, June 12, 2018. See also Xie Wenwen (Caixin Globus), "For Chinese Companies, Investment I Arctic Infrastructure Offers Both Opportunities and Challenges," *Arctic Today*, June 17, 2019.

[291] "Chinese Make First Successful North Sea Route Voyage," *The Arctic Journal*, September 12, 2013. See also Malte Humpert, "Chinese Shipping Company COSCO To Send Record Number of Ships Through Arctic," *High North News*, June 13, 2019; Marex (Maritime Executive), "Russia and China Sign Arctic Deal," *Maritime Executive*, June 8, 2019.

[292] See, for example, Malte Humpert (High North News), "China Acquires 20 Percent Stake in Novatek's Arctic LNG 2 Project," *Arctic Today*, April 30, 2019; Ernesto Gallo and Giovanni Biava, "A New Energy Frontier Called 'Polar Silk Road,'" *China Daily*, April 12, 2019.

Arctic seabed and in Greenland.[293] Given Greenland's very small population, China may view Greenland as an entity that China can seek to engage using an approach similar to ones that China has used for engaging with small Pacific and Indian Ocean island states. China may also be interested in Arctic fishing grounds.

China's growing activities in the Arctic may also reflect a view that as a major world power, China should, like other major world powers, be active in the polar regions for conducting research and other purposes. (Along with its growing activities in the Arctic, China has recently increased the number of research stations in maintains in the Antarctic.)

Particularly since China published its Arctic white paper in January 2018, observers have expressed curiosity or concern about China's exact mix of motivations for its growing activities in the Arctic, and about what China's ultimate goals for the Arctic might be.[294]

### *Arctic States' Response*

The shift in the international security environment to a situation of renewed great power competition underscores a question for the Arctic states regarding whether and how to respond to China's growing activities in the Arctic. China's growing activities in the Arctic could create new opportunities for cooperation between China and the Arctic states.[295] They also, however, have

[293] See, for example, Marc Lanteigne and Mingming Shi, "China Steps up Its Mining Interests in Greenland," *Diplomat*, February 12, 2019; John Simpson, "How Greenland Could Become China's Arctic Base," *BBC*, December 18, 2018; Marc Lanteigne, "Do Oil and Water Mix? Emerging China-Greenland Resource Cooperation," *Over the Circle*, November 2, 2018; Martin Breum, "China and the US Both Have Strategic Designs for Greenland," *Arctic Today*, October 17, 2018; Mia Bennett, "The Controversy over Greenland Airports Shows China Isn't Fully Welcome in the Arctic—Yet," *Arctic Today*, September 13, 2018; Mingming Shi and Marc lanteigne, "The (Many0 Roles of Greenland in china's Developing Arctic Policy," *Diplomat*, March 30, 2018; Miguel Martin, "China in Greenland: Mines, Science, and Nods to Independence," *China Brief*, March 12, 2018.

[294] See, for example, Mark Rosen, "Will China Freeze America Out of the Arctic?" *National Interest*, August 14, 2019; Heljar Havnes and Johan Martin Seland, "The Increasing Security Focus in China's Arctic Policy," Arctic Institute, July 16, 2019; Mercy A. Kuo, "The US and China's Arctic Ambitions, Insights from Malte Humpert," *Diplomat*, June 11, 2019; Global Risk Insight, "Why Is China Pouring Money Into The Arctic?" *Oil Price*, June 8, 2019; Somini Sengupta and Steven Lee Myers, "Latest Arena for China's Growing Global Ambitions: The Arctic," *New York Times*, May 24, 2019; David Auerswald, "China's Multifaceted Arctic Strategy," *War on the Rocks*, May 24, 2019; John Vandiver, "China Tops Agenda as Military Leaders from 11 Nations Mull Arctic Security," *Stars and Stripes*, May 6, 2019; Sherman Xiaogang Lai, "China's Arctic Policy and Its Potential Impact on Canada's Arctic Security," Center for International Maritime Security (CIMSEC), April 17, 2019; James Stavridis, "China Is Joining the Rush for Arctic Riches," *Bloomberg*, April 16, 2019; Joel Gehrke, "US Wary of Chinese Military Threat in the Arctic," *Washington Examiner*, February 8, 2019; Omair Ahmad, "What Role for China and India in the Arctic?" *Third Pole*, February 4, 2019; Bethlehem Feleke, "Beijing Is Building Influence in the Arctic," *CNN*, December 30, 2018; Emanuele Scimia, "China's Advances in Arctic May Pose Security Threat to Canada," *Asia Times*, December 26, 2018; Fermin Koop, "Reykjavik Meeting Seals China's Commitment to Arctic Expansion," *Chinadialogue Ocean*, November 21, 2018; Rebecca Pincus and Walter A. Berbrick, "Gray Zones in a Blue Arctic: Grappling with China's Growing Influence," *War on the Rocks*, October 24, 2018; Kevin McGwin, "Copenhagen Is Ignoring Russia, Chinese Activity in the Arctic, Lawmakers Warn," *Arctic Today*, October 17, 2018; Trym Aleksander Eiterjord, "The Growing Institutionalization of China's Polar Silk Road; China Is Building an Increasingly Mature Platform to Support Its Scientific and Commercial Interests in the Arctic," *Diplomat*, October 7, 2018.

[295] See, for example, Atle Staalesen, "As Arctic Talks Move to China, Leaders Downplay Divides," *Barents Observer*, May 11, 2019; Thomas Nilsen, "China Seeks a More Active Role in the Arctic," *Barents Observer*, May 11, 2019; Nathan Vanderklippe, "Agreeing on the Arctic: Amid Dispute, Canada Sides with China over the U.S. on How to Manage the North," *Globe and Mail*, May 10, 2019; Nong Hong, "Arctic Ambitions of China, Russia—and Now the US—Need Not Spark a Cold War," *South China Morning Post*, March 11, 2019.

the potential for posing challenges to the Arctic states in terms of defending their own interests in the Arctic.[296]

For U.S. policymakers, a general question is how to integrate China's activities in the Arctic into the overall equation of U.S.-China relations, and whether and how, in U.S. policymaking, to link China's activities in the Arctic to its activities in other parts of the world. One specific question concerns potential areas for U.S.-Chinese cooperation in the Arctic.[297] Another specific question could be whether to impose punitive costs on China in the Arctic for unwanted actions that China takes elsewhere. As one potential example of such a cost-imposing action, U.S. policymakers could consider moving to suspend China's observer status on the Arctic Council[298] as a punitive cost-imposing measure for unwanted Chinese actions in the South China Sea.[299] As mentioned earlier, in a May 6, 2019 speech in Finland, Secretary of State Pompeo stated (emphasis added):

> The United States is a believer in free markets. We know from experience that free and fair competition, open, by the rule of law, produces the best outcomes.
>
> But all the parties in the marketplace have to play by those same rules. Those who violate those rules should lose their rights to participate in that marketplace. Respect and transparency are the price of admission.

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[296] See, for example, Humphrey Hawksley, "Nordic Nations Can Stand Up to China in the Arctic," *Nikkei Asian Review*, June 13, 2019; Thomas Nilsen, "'We Must Be Prepared for Clearer Chinese Presence in Our Neighborhood'; Chief of Norway's Military Intelligence Service, Lieutenant General Morten Haga Lunde, Highlighted Chinese, Russian Arctic Cooperations in His Annual Focus Report," *Barents Observer*, February 11, 2019.

[297] See, for example, Alison McFarland, "Arctic Options: Why America Should Invest in a Future with China," *National Interest*, September 30, 2018.

[298] Paragraph 37 of the Arctic Council's rules of procedure states the following:

> Once observer status has been granted, Observers shall be invited to the meetings and other activities of the Arctic Council unless SAOs [Senior Arctic Officials] decide otherwise. Observer status shall continue for such time as consensus exists among Ministers. Any Observer that engages in activities which are at odds with the Council's [Ottawa] Declaration [of September 19, 1996, establishing the Council] or these Rules of Procedure shall have its status as an Observer suspended.

Paragraph 5 of Annex II of the Arctic Council's rules of procedure—an annex regarding the accreditation and review of observers—states the following:

> Every four years, from the date of being granted Observer status, Observers should state affirmatively their continued interest in Observer status. Not later than 120 days before a Ministerial meeting where Observers will be reviewed, the Chairmanship shall circulate to the Arctic States and Permanent Participants a list of all accredited Observers and up-to-date information on their activities relevant to the work of the Arctic Council.
>
> (Arctic Council, *Arctic Council Rules of Procedure*, p. 9. The document was accessed July 26, 2018, at https://oaarchive.arctic-council.org/handle/11374/940.

Paragraph 4.3 of the Arctic Council's observer manual for subsidiary bodies states in part

> Observer status continues for such time as consensus exists among Ministers. Any Observer that engages in activities which are at odds with the Ottawa Declaration or with the Rules of Procedure will have its status as an Observer suspended.
>
> (Arctic Council. *Observer Manual for Subsidiary Bodies*, p. 5. The document was accessed July 26, 2018, at https://oaarchive.arctic-council.org/handle/11374/939.)

See also Kevin McGwin, "After 20 years, the Arctic Council Reconsiders the Role of Observers," *Arctic Today*, October 24, 2018.

[299] For more on China's actions in the South China Sea and their potential implications for U.S. interests, see CRS Report R42784, *China's Actions in South and East China Seas: Implications for U.S. Interests—Background and Issues for Congress*.

> And let's talk about China for a moment. **China has observer status in the Arctic Council, but that status is contingent upon its respect for the sovereign rights of Arctic states.** The U.S. wants China to meet that condition and contribute responsibly in the region. But China's words and actions raise doubts about its intentions.[300]

In February 2019, it was reported that the United States in 2018 had urged Denmark to finance airports that China had offered to build in Greenland, so as to counter China's attempts to increase its presence and influence there.[301] In May 2019, the State Department announced plan for establishing a permanent diplomatic presence in Greenland.[302] Some observers argue that a desire to preclude China (or Russia) from increasing its presence and influence in Greenland may have been one of the reasons why President Trump in August 2019 expressed an interest in the idea of buying Greenland from Denmark.[303]

For Russia, the question of whether and how to respond to China's activities in the Arctic may pose particular complexities. On the one hand, Russia is promoting the NSR for use by others, in part because Russia sees significant economic opportunities in offering icebreaker escorts, refueling posts, and supplies to the commercial ships that will ply the waterway. In that regard, Russia presumably would welcome increased use of the route by ships moving between Europe and China.[304] More broadly, Russia and China have increased their cooperation on security and other issues in recent years, in no small part as a means of balancing or countering the United States in international affairs, and Russian-Chinese cooperation in the Arctic can both reflect and contribute to that cooperation.[305]

On the other hand, Russian officials are said to be wary of China's continued growth in wealth and power, and of how that might eventually lead to China becoming the dominant power in Eurasia, and to Russia being relegated to a secondary or subordinate status in Eurasian affairs

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[300] State Department, "Looking North: Sharpening America's Arctic Focus, Remarks, Michael R. Pompeo, Secretary of State, Rovaniemi, Finland, May 6, 2019," accessed August 23, 2019 at: https://www.state.gov/looking-north-sharpening-americas-arctic-focus/.

[301] Drew Hinshaw and Jeremy Page, "How the Pentagon Countered China's Designs on Greenland; Washington Urged Denmark to Finance Airports that Chinese Aimed to Build on North America's Doorstep," *Wall Street Journal*, February 10, 2019. See also Marc Lanteigne, ""Greenland's Airport Saga: Enter the US?" *Over the Circle*, September 18, 2018; Marc Lanteigne, "Greenland's Airports: A Balance between China and Denmark?" *Over the Circle*, June 15, 2018; Arne Finne (translated by Elisabeth Bergquist), "Intense Airport Debate in Greenland," *High North News*, May 30, 2018.

[302] State Department, "Secretary Pompeo Postpones Travel to Greenland, Press Statement, Morgan Ortagus, Department Spokesperson, May 9, 2019. See also Krestia DeGeorge, "US State Department Announces Plans for a Diplomatic Presence in Greenland," Arctic Today, May 9, 2019.

[303] See Seth Borenstein (Associated Press), "Icy Arctic Becomes Hot Property for Rival Powers," *Navy Times*, August 22, 2019; Ragnhild Grønning, "Why Trump Is Looking to Buy Greenland—Even If It's Not for Sale," *High North News*, August 19, 2019.

[304] See, for example, Hu Weijia, "Arctic Shipping Routes Can Further Warm China-Russia Cooperation, Technological Development," *Global Times*, September 12, 2018.

[305] See, for example, Melody Schreiber, "US Has 'Vital National Interests' at Stake in Russia-China Relationship in the Arctic, Expert Says," *Arctic Today*, April 2, 2019; Rebecca Pincus, China and Russia in the Arctic, Testimony before the U.S.-China Economic and Security Review Commission Hearing on "An Emerging China-Russia Axis? Implications for the United States in an Era of Strategic Competition," March 21, 2019; Liz Ruskin, "China, Russia Find Common Cause in Arctic," *Alaska Public Media*, March 21, 2019; Olga Alexeeva and Frederic Lasserre, "An Analysis of Sino-Russian Cooperation in the Arctic in the BRI Era," *Advances in Polar Science*, December 2018: 269-282; Marc Lanteigne, "Northern Crossroads, Sino-Russian Cooperation in the Arctic," *National Bureau of Asian Research*, March 2018, 6 pp.

Nicholas Groffman, "Why China-Russia Relations Are Warming Up in the Arctic," *South China Morning Post*, February 17, 2018.

relative to China. Increased use by China of the NSR could accelerate the realization of that scenario: As noted above, the NSR forms part of China's geopolitical Belt and Road Initiative (BRI). Some observers argue that actual levels of Sino-Russian cooperation in the Arctic are not as great as Chinese or Russian announcements about such cooperation might suggest.[306]

### *Linkages Between Arctic and South China Sea*

Another potential implication of the shift in the international security environment to a situation of great power competition is a linkage that is sometimes made between the Arctic and the South China Sea relating to international law of the sea or the general issue of international cooperation and competition.[307] One aspect of this linkage relates to whether China's degree of compliance with international law of the sea in the South China Sea has any implications for understanding potential Chinese behavior regarding its compliance with international law of the sea (and international law generally) in the Arctic.

A second aspect of this linkage, mentioned earlier, is whether the United States should consider the option of moving to suspend China's observer status on the Arctic Council as a punitive cost-imposing measure for unwanted Chinese actions in the South China Sea.

A third aspect of this linkage concerns the question of whether the United States should become a party to UNCLOS: Discussions of that issue sometimes mention both the situation in the South China Sea[308] and the extended continental shelf issue in the Arctic.[309]

## U.S. Military Forces and Operations[310]

### Overview

During the Cold War, the Arctic was an arena of military competition between the United States and the Soviet Union, with both countries, for example, operating nuclear-powered submarines, long-range bombers, and tactical combat aircraft in the region. The end of the Cold War and the collapse of most elements of the Russian military establishment following the dissolution of the

[306] See, for example, James Foggo III, "Russia, China Offer Challenges in the Arctic," *Defense One*, July 10, 2019; Anita Parlow, "Does a Russia-China Alignment in the Arctic Have Staying Power?" *Arctic Today*, June 27, 2019; Marc Lanteigne, "Scenes from a Northern Crossroad: China and Russia in the Arctic," *Over the Circle*, February 20, 2019; Marc Lanteigne, "No Borderline: A Norway-Russia Frontier Festival Connects with China," *Over the Circle*, February 16, 2019; Atle Staalesen, "Beijing Finds a Chinatown on NoRway's Arctic Coast,; The Asian Superpower Looks towards the Arctic and Finds a Home in This Year's Barents Spektakel Winter Festival," *Barents Observer*, February 12, 2019; Elizabeth Wishnick, "Russia and the Arctic in China's Quest for Great-Power Status," in Ashley J. Tellis, Alison Szalwinski, and Michael Wills, editors, *Strategic Asia 2019, China's Expanding Strategic Ambitions*, National Bureau of Asian Research, Seattle and Washington, DC, pp. 64-75.

[307] See, for example, Robinson Meyer, "The Next 'South China Sea' Is Covered in Ice," *Atlantic*, May 15, 2019; Justin D. Nankivell, "The Role of History and Law in the South China Sea and Arctic Ocean," *Maritime Awareness Project*, August 7, 2017; Sydney J. Freedberg, "Is The Arctic The next South China Sea? Not Likely," *Breaking Defense*, August 4, 2017; Caroline Houck, "The Arctic Could Be the Next South China Sea, Says Coast guard Commandant," *Defense One*, August 1, 2017; Daniel Thomassen, "Lessons from the Arctic for the South China Sea," Center for International Maritime Security, April 4, 2017.

[308] For further discussion of this situation, see CRS Report R42784, *China's Actions in South and East China Seas: Implications for U.S. Interests—Background and Issues for Congress*.

[309] See, for example, Ben Werner, "Zukunft: U.S. Presence in Arctic Won't Stop Chinese, Russia Encroachment Without Law of the Sea Ratification," *USNI News*, August 1, 2017.

[310] This section prepared by Ronald O'Rourke, Specialist in Naval Affairs, Foreign Affairs, Defense, and Trade Division.

Soviet Union in December 1991 greatly reduced this competition and led to a reduced emphasis on the Arctic in U.S. military planning.

Renewed tensions with Russia following its seizure and annexation of Crimea in March 2014, combined with a significant increase in Russian military capabilities and operations in the Arctic in recent years,[311] have led to growing concerns among U.S. officials and other observers that the Arctic is once again becoming a region of military tension and competition,[312] and to concerns about whether the United States is adequately prepared militarily to defend its interests in the region.[313]

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[311] Regarding the increase in Russian military capabilities and operations in the Arctic, see, for example, Atle Staalesen, "Weapons Arrive to Russia's New Arctic Garrison," *Barents Observer,* August 5, 2019; Atle Staalesen, "Russia Establishes a New Arctic Air Squadron to Protect the Northern Sea Route," *Arctic Today*, July 19, 2019; Atle Staalesen, "Russia's New Arctic Missile Knocks Out Targets in Massive Test Launch," *Barents Observer,* June 14, 2019; Mathieu Boulègue, *Russia's Military Posture in the Arctic, Managing Hard Power in a 'Low Tension' Environment*, Chatham House, June 2019, 44 pp.; Pavel Felgenhauer, "Russia's New Electronic Warfare Capabilities in the Arctic," *Eurasia Daily Monitor*, May 30, 2019; Atle Staalesen, "Russia Says Its Radio-Electronic Shield Now Covers the Arctic," Barents Observer, May 21, 2019; Atle Staalesen, "Navy Is Building a New Major Depot for Arctic Operations," *Barents Observer*, May 2, 2019; Diana Magnay, "Arctic Battleground: Russia's Race to Militarise Resource-Rich Region," *Sky News*, April 6, 2019; Mary Ilyushina and Frederik Pleitgen, "Arctic Ambitions," *CNN,* April 5, 2019; Thomas Nilsen, "Russia Claims to Have Demonstrated Complex Exercise Outside Norway," *Barents Observer*, April 11, 2019; Vladimir Isachenkov, "Russia Revamps Arctic Military Base to Stake Claim on Region," *Associated Press*, April 4, 2019; "Russia Will Deploy New Missiles to Defend Arctic, Admiral Says," *Moscow Times,* March 13, 2019; Nerijus Adomaitis, "Norway Says It Proved Russian GPS Interference During NATO Exercises," *Reuters*, March 18, 2019; Atle Staalesen, "Russia's Navy Is Already Flying to New Bases in the Arctic to Counter Foreign Threats Above and Below the Ice," *Business Insider,* March 15, 2019; Pavel Felgenhauer, "Russia Claims Total Military Superiority in the Arctic," *Eurasia Daily Monitor*, March 14, 2019; Joel Gehrke, "Moscow Warns US: Russian Special Forces Are Training for Arctic Conflict," *Washington Examiner,* February 22, 2019; Kyle Mizokami, "Nearly a Dozen Russian Jets Practiced an Attack on a Norwegian Radar Base," *Popular Mechanics,* February 13, 2019; Thomas Nilsen, "Eleven Russia Fighter Jets Make a Mock Attack on a Norwegian Arctic Radar Installation," Arctic Today, February 13, 2019; "Russian Tor-Family Air Defense System Trains to Defend the Arctic," *Defence Blog*, February 9, 2019; Thomas Nilsen, "Russia Resumes North Pole Patrols with Fighter Jets," *Arctic Today*, February 4, 2019; Atle Staalesen, "New Arctic Naval Base Built in 6 Months," *Barents Observer,* January 30, 2019; Thomas Nilsen, "In Polar Night, Russia Exercises Strategic Bombers and Newest Frigate," *Barents Observer,* January 27, 2019.

[312] See, for example, John Grady, "NORTHCOM Says U.S., Canada Must Maintain 'Clear-Eyed' View of Arctic Threats," *USNI News*, July 23, 2019; Russ Read, "NORTHCOM Commander Warns the Arctic Is An 'Avenue of Approach' for Russia," *Washington Examiner*, July 22, 2019; David Brennan, "Battle for the Arctic: U.S. Warms Russia 'Is Way Ahead of US' in Race to Control New Frontier," *Newsweek*, July 19, 2019; Geoff Upton, "Great Power Problems: Russia Want Control over the Arctic Region," *National Interest*, April 25, 2019; Scott Waldman, "As Russian Military Moves into Thawing Arctic, U.S. Strategy Shifts," *E&E News (Scientific American),* March 6 2019; Joel Gehrke, "'It's Nobody's Lake': US Admiral Warms China and Russia over Arctic," *Washington Examiner,* February 20, 2019; Jon Lockett, "Global Warring, Russian and US Warships Converge on Arctic to Build Naval and Air Bases as Melting Ice Leaves Cold War Frontiers Wide Open," *The Sun (UK),* January 24, 2019; Jonathan Watts, "Military Buildup in Arctic as Melting Ice Reopens Northern Borders," *Guardian,* January 24, 2019.

[313] See, for example, Hal Brands, "America Is Losing the Battle of the Arctic," *Bloomberg,* July 30, 2019; Kyle Rempfer, "Marines, Sailors and Coasties Play Cath-Up in Arctic Warfare," *Military Times,* May 30, 2019; Kyle Rempfer, "US Military Leaders Say the Arctic Now the 'First Line of Defense'—and the US Is Already Behind," *Business Insider*, May 10, 2019; Nico Hines, "Inside the West's Plans for Arctic War Against Russia," *Wired*, May 7, 2019; Patrick Tucker, "Admiral: The US IS 'Operating Blind' Ion the Arctic," *Defense One,* May 6, 2019; Kyle Rempfer, "NORTHCOM: Arctic Now America's 'First Line of Defense,'" *Defense News,* May 6, 2019; Kyle Rempfer, "Northern Border Along Arctic, Not Southern, Is What Worries NORAD Leaders," *Military Times,* February 27, 2019; "Canada, U.S. Must Do More to Check Russia's Military Moves in the Arctic, Says NORAD Chief," *CBC News*, February 12,2019; Liz Ruskin, "Calls for 'Vigilance' on Russian Military Buildup in Arctic," KTOO, February 2, 2019.

U.S. military officials, military officials from other Arctic states, and other observers have stressed the cooperative aspects of how the Arctic states have addressed Arctic issues, and have sometimes suggested that the competitive aspects of the situation have been exaggerated in some press accounts.[314] Some observers argue that that Russia's recent military investment in the Arctic is being exaggerated, or reflects normal modernization of aging capabilities, or is intended partly for domestic Russian consumption.[315] Even so, U.S. military forces (and U.S. intelligence agencies)[316] are paying renewed attention to the Arctic. This is particularly true in the case of the Navy and Coast Guard, for whom diminishment of Arctic sea ice is opening up new operating areas for their surface ships. The U.S. Air Force, Army, and Marine Corps, too, are now focusing more on Arctic operations.[317] Canada, the UK, and the Nordic countries are taking or contemplating steps to increase their own military presence and operations in the region.[318]

## DOD in General

### *January 2014 Implementation Plan for National Strategy for Arctic Region*

The Obama Administration's January 2014 implementation plan for its national strategy for the Arctic region (see "Background") makes DOD the lead federal agency for one of the plan's 36 or

[314] See, for example, Mia Bennett, "U.S. Rhetoric About the Strategic Importance of the Arctic Is Out of Step with Its Spending Priorities," *Arctic Today*, July 26, 2019; "Arctic Conflict With Russia 'Not Likely In The Short-Term', Analyst Says," *Forces*, January 30, 2019; Danita Catherine Burke, "Why the New Arctic 'Cold War' Is a Dangerous Myth," *The Conversation*, December 13, 2018; Martin Breum, "Why Russia Is Likely to Remain Cooperative in the Arctic," *Arctic Today*, November 22, 2018; John Grady, "Panel: Cooperation, Not Conflict Key to Future of the Arctic," *USNI News*, April 8, 2018; Levon Sevunts," NATO Wants to Keep the Arctic An Area of Low Tensions, Stoltenberg," *Radio Canada International*, April 4, 2018; Levon Sevunts, "Arctic Nations Develop Coast Guard Co-operation," *Independent Barents Observer*, March 13, 2018.

[315] See, for example, Elizabeth Buchanan and Mathieu Boulègue, "Russia's Military Exercises in the Arctic Have More Bark Than Bite," *Foreign Policy*, May 20, 2019; Arne F. Finne, "Russia Is a Responsible Actor in the Arctic," *High North News*, January 22, 2019; Stephanie Pezard, *The New Geopolitics of the Arctic, Russia's and China's Evolving Role in the Region*, RAND (Testimony presented before the Standing Committee on Foreign Affairs and International Development of the Canadian House of Commons on November 26, 2018), pp. 2-4 (which presents comments on both sides of the issue of whether other countries should be concerned by Russia's Arctic military capabilities); Thomas Nilsen, "New Weapons Testing Is Worrying, But Does Not Raise Tensions in the North, [Norway's] Defense Minister Says," *Barents Observer*, August 26, 2018.

[316] See Brian Bennett and W.J. Hennigan, "US Builds Up Arctic Spy Network As Russia, China Increase Presence," *Los Angeles Times*, September 7, 2015.

[317] See, for example, Lolita C. Baldor, "US Steps Up Winter-Warfare Training As Global Threat Shifts," *Associated Press*, February 20, 2019; April Davis, "Soldiers Learn Arctic Survival from Northern Neighbors," U.S. Army, February 7, 2019; Heather Wilson, "Air Power and the Arctic: The Importance of Projecting Strength in the North," *Defense News*, January 9, 2019.

[318] See, for example, Gerard O'Dwyer, "Nordic Countries See Russia Flex Its Missile Muscles," *Defense News*, August 5, 2019; Kevin McGwin, "Keeping Eye on Russian Build-Up, Danes Ready to Send Fighter Jets to Greenland," *Arctic Today*, May 20, 2019; YLE News, "US, Norwegian Troops Join Military Drill in Northern Finland," *Barents Observer*, May 16, 2019; Robbie Gramer, "Vanguards of the Thawing Arctic," *Foreign Policy*, May 4, 2019; ;Thomas Nilsen, "Norway Rearms Finnmark for New Security Landscape," *Arctic Today*, April 17, 2019; Helene Cooper, "Military Drills in Arctic Aim to Counter Russia, but the First Mission Is to Battle the Cold," *New York Times*, April 12, 2019; Rebecca Ricks, "Night And Day: Conducting Arctic Beach landings With Royal Marines," *Forces*, March 6, 2019; Thomas Nilsen, "7,000 Foreign Soldiers Ready for Exercise in Northern Sweden," *Barents Observer*, February 26, 2019; Rebecca Ricks, "Exercise Clockwork: Taking To The Skies Over The Arctic Circle," *Forces*, January 30, 2019; Rebecca Ricks, "Arctic Strategy: Hundreds Of Royal Marines Prepare For Norway Deployment," *Forces*, January 22, 2019; Kevin McGwin, "In Face of Uncertainty about Russia, a Nordic Gang of Four Emerges," *Arctic Today*, January 17, 2019.

so specific initiatives, and a supporting agency for 18 others.[319] The initiative for which DOD is designated the lead federal agency is entitled "Develop a framework of observations and modeling to support forecasting and prediction of sea ice."[320]

### *January 2018 National Defense Strategy*

The January 2018 unclassified summary of the 2018 National Defense Strategy[321] does not specifically mention the Arctic.

### *June 2019 DOD Arctic Strategy*

DOD's June 2019 Arctic Strategy—the successor to DOD's 2013 and 2016 Arctic strategies—states:

> This document articulates the Department of Defense's (DoD) strategy for the Arctic region in an era of strategic competition. It is informed by the 2017 National Security Strategy and anchored in the priorities of the 2018 National Defense Strategy (NDS) and its focus on competition with China and Russia as the principal challenge to long-term U.S. security and prosperity. This strategy supersedes the 2016 DoD Arctic strategy.
>
> DoD's desired end-state for the Arctic is a secure and stable region where U.S. national interests are safeguarded, the U.S. homeland is defended, and nations work cooperatively to address shared challenges. This strategy sets forth DoD's assessment of the Arctic security environment, risks posed to U.S. national security interests, DoD Arctic objectives, and the strategic approach by which DoD will achieve these objectives.
>
> A secure and stable Arctic region benefits the United States and necessitates a rules-based order, reflecting Arctic nations' respect for national sovereignty and constructive engagement to address shared challenges. The network of U.S. allies and partners with shared national interests in this rules-based order is the United States' greatest strategic advantage in the Arctic region, and thus the cornerstone of DoD's Arctic strategy. DoD cooperation with Arctic allies and partners strengthens our shared approach to regional security and helps deter strategic competitors from seeking to unilaterally change the existing rules-based order.
>
> NDS goals and priorities guide DoD's strategic approach to the Arctic. The Joint Force must be able to deter, and if necessary, defeat great power aggression. DoD must prioritize efforts to address the central problem the NDS identifies – i.e., the Joint Force's eroding competitive edge against China and Russia, and the NDS imperative to ensure favorable regional balances of power in the Indo-Pacific and Europe. Developing a more lethal, resilient, agile, and ready Joint Force will ensure that our military sustains its competitive advantages, not only for these key regions of strategic competition, but globally as well. Maintaining a credible deterrent for the Arctic region requires DoD to understand and shape the Arctic's geo-strategic landscape for future operations and to respond effectively to contingencies in the Arctic region, both independently and in cooperation with others. DoD's strategic approach seeks to do so by implementing three ways in support of the desired Arctic end-state (each described in detail in this document):
>
> • Building Arctic awareness;

[319] *Implementation Plan for The National Strategy for the Arctic Region*, January 2014, pp. 6-32.

[320] *Implementation Plan for The National Strategy for the Arctic Region*, January 2014, pp. 15-16.

[321] Department of Defense, *Summary of the 2018 National Defense Strategy of the United States of America: Sharpening the American Military's Competitive Edge*, January 2018, 11 pp.

- Enhancing Arctic operations; and
- Strengthening the rules-based order in the Arctic.[322]

### *DOD Cooperation with Canada and Other Countries*

DOD has been taking a number of steps in recent years to strengthen U.S.-Canadian cooperation and coordination regarding military operations in the Arctic.[323]

## Navy and Coast Guard in General

The Navy and Coast Guard are addressing the potential implications of increased human activities in the Arctic for the Navy and Coast Guard, particularly implications for required numbers of ships and aircraft, ship and aircraft characteristics, ship and aircraft operations, new or enlarged Arctic bases, and supporting systems, such as navigation and communication systems. The Coast Guard annually deploys cutters and aircraft into the region to perform missions and better understand the implications of operating such units there, and the Navy has recently deployed some surface ships to the region.[324] Key points relating to the Navy and Coast Guard in the Arctic include the following:

- The diminishment of Arctic ice is creating new operating areas in the Arctic for Navy surface ships and Coast Guard cutters.
- U.S. national security interests in the Arctic include "such matters as missile defense and early warning; deployment of sea and air systems for strategic sealift, strategic deterrence, maritime presence, and maritime security operations; and ensuring freedom of navigation and overflight."[325]

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[322] Department of Defense, Office of the Under Secretary of Defense for Policy, *Report to Congress, Department of Defense Arctic Strategy, As required by Section 1071 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (P.L. 115-232)*, June 2019, p. 2. For press reports regarding the document, see Connie Lee, "Great Power Competition Extends to Arctic," *National Defense Magazine*, August 12, 2019; Hal Brands, "America Is Losing the Battle of the Arctic," *Bloomberg*, July 30, 2019; Melody Schreiber, "U.S. Arctic Defense Strategy Ramps Up Rhetoric Without Committing Resources, Experts Say," *Arctic Today*, June 11, 2019; Malte Humpert, "New U.S. Department of Defense Arctic Strategy Sees Growing Uncertainty and Tension in Region," High North News, June 7, 2019.

[323] See, for example, Murray Brewster, "Canadian, U.S. Military Leaders Agree on Framework to Retool Noard," *CBC News*, August 8, 2019; Geoff Ziezulewicz, "The Navy Sends a Carrier Back to Russia's Arctic Haunts," *Navy Times*, October 20, 2018; "Harry S. Truman Strike Group Enters Arctic Circle, Prepares for NATO Exercise," *Navy News Service*, October 19, 2018; Amy Bushatz, "The Navy Could Send More Sailors to Alaska," *Military.com*, August 16, 2018; Vivienne Machi, "United States, Canada studying Options to Replace Arctic Early Warning Radars," *National Defense*, July 27, 2018.

[324] See, for example, Zachariah Hughes, "As Polar Ice Cap Recedes, The U.S. Navy Looks North," *NPR*, June 12, 2019; Megan Eckstein, "Theodore Roosevelt Strike Group in Alaska for High-End, Joint Exercise Northern Edge 2019," *USNI News*, May 14, 2019; Liz Ruskin, "Navy Plans to Be More Active in the Arctic," *Alaska Public Media*, May 2, 2019; Ben Kesling, "U.S. Navy Plans to Extend Its Reach in the Arctic," *Wall Street Journal*, May 1, 2019; Malte Humpert, "U.S. navy Plans to Send Surface Vessels Through Arctic," *High North News*, March 11, 2019; Ben Kesling, "Cold War Games: U.S. Is Preparing to Test the Waters in Icy Arctic," *Wall Street Journal*, January 11, 2019; Yereth Rosen, US Coast Guard Settles into Kotzebue for the Summer," *Arctic Today*, July 2, 2018; David Axe, "Three U.S. and British Submarines Meet at the North Pole," *War Is Boring*, March 22, 2018; Kris Osborn, "The Navy Is Training for War with Russia in the Arctic," *National Interest*, March 20, 2018; Corey B. Barker, "Arctic-Deployed Navy Submarines Participate in Ice Exercise 2018," Defense.gov, March 13, 2018; Elizabeth McLaughlin, "Regular US Navy Arctic Submarine Exercise Takes On New Importance," *ABC News*, March 12, 2018; Submarine Force Pacific, "Navy's Arctic Ice Exercise Features Multinational Participation," Defense.gov, March 8, 2018.

[325] NSPD 66/HSPD 25, Section III B.

- In a context of renewed great power competition, discussions of the Arctic have begun to focus more on security issues, and on countering Russian and Chinese activities in the region. Some Members of Congress, in addition to urging DOD to establish a new strategic port in the Arctic, have urged the Navy to bolster its plans for sending surface ships into Arctic waters as part of a broader U.S. effort to counter substantial Russian and growing Chinese activities in the region. Russia's and China's investments in building and operating polar icebreakers have become more prominent in discussions about procuring new polar icebreakers for the Coast Guard.
- SAR in the Arctic is a mission of increasing importance, particularly for the Coast Guard, and one that poses potentially significant operational challenges (see "Search and Rescue (SAR)" above).
- More complete and detailed information on the Arctic is needed to more properly support expanded Navy and Coast Guard ship and aircraft operations in the Arctic.
- The Navy and the Coast Guard currently have limited infrastructure in place in the Arctic to support expanded ship and aircraft operations in the Arctic.
- Expanded ship and aircraft operations in the Arctic may require altering ship and aircraft designs and operating methods.[326]
- Cooperation with other Arctic countries will be valuable in achieving defense and homeland security goals.

## Navy

### *January 2019 Navy Strategic Outlook for the Arctic*

The Navy has issued a series of strategy and roadmap documents for the Arctic. The latest of these is a January 2019 strategic outlook for the Arctic document, which states

> The Navy will defend the United States from attack and preserve the Nation's strategic influence in the Arctic. Naval forces will operate to deter aggression and enable peaceful resolution of crises on terms acceptable to the U.S. and its allies and partners….
>
> In support of National and Department of Defense objectives for the Arctic, the Navy will pursue the following strategic objectives:
>
> - Defend U.S. sovereignty and the homeland from attack;
> - Ensure the Arctic remains a stable, conflict-free region;
> - Preserve Freedom of the Seas; and
> - Promote partnerships within the U.S. Government and with allies and partners to achieve the above objectives….
>
> While there are recognized threats, opportunities, and risks in our return to an era of Great Power Competition, the Arctic is assessed to be low risk for conflict because nations have demonstrated the ability to resolve differences peacefully. Within the Arctic Ocean, nations exercise rights and freedoms consistent with international law, such as navigation and overflight, marine scientific research, the laying and maintenance of undersea pipelines and cables, and fishing. Nations respect the exclusive rights and jurisdiction of Arctic

[326] See, for example, Megan Eckstein, "CNO: Arctic Operations Limited Now, But Future Ship designs Should Consider Environment," *USNI News*, September 12, 2016.

coastal states for exploitation of resources in the EEZ and continental shelf. It remains unlikely that any of the eight Arctic states would risk a large-scale conflict; however, the Navy will be prepared to deter conflict and protect our national interests….

Though the United States has not acceded to the United Nations Convention on the Law of the Sea (UNCLOS), the U.S. Navy has long treated its provisions related to traditional ocean uses as customary international law. The customary international law principles reflected in UNCLOS serve as the legal framework for rights and obligations in the Arctic Ocean including the delineation of the outer limits of the continental shelf, protection of the marine environment, freedom of navigation, military survey, and marine scientific research….

The Navy and U.S. Coast Guard (USCG) collaborate in close partnership during times of war and peace to protect our nation's ports and waterways and to promote U.S. maritime security interests overseas. The combined efforts of the Navy and the Coast Guard in the Arctic Ocean demonstrate a cooperative relationship that acknowledges the distinctive authorities, missions, competencies, and cultures of each service. The Coast Guard has statutory responsibilities, and fulfills most U.S. maritime missions in the Arctic….

The Navy will work with the Royal Canadian Navy to ensure common Arctic Region interests are addressed in a complementary manner. For decades, Canada and the United States have been partners in the defense of North America, cooperating within the framework of the North Atlantic Treaty Organization (NATO) and the North American Aerospace Defense Command (NORAD)….

As the Arctic Ocean continues to become more accessible, the importance of the Bering Strait as a strategic chokepoint will increase….

The Greenland, Iceland, United Kingdom-Norwegian (GIUK-N) Gap is a strategic corridor for naval operations in the high north….

The Northern Sea Route and the Northwest Passage are two recognized Arctic Ocean routes for connecting the Pacific to the Atlantic, and are ice covered the majority of the year. Seasonal ice cover varies along the length of the transit, though the exact location and duration remains difficult to predict. The Navy will consider implications of increasing maritime traffic [along these two routes] in future security planning….

Navy prioritization of leadership and resources on core functions in regions of likely conflict will continue to override competing interests to develop capabilities in peaceful regions such as the Arctic….

In alignment with higher-level guidance, and considering the context described above, the Navy strategic objectives for the Arctic are:

*Defend U.S. sovereignty and the homeland from attack*.… New opportunities and security challenges in the Arctic may emerge as conditions in the region change.… The Navy will ensure it remains prepared to operate in the Arctic to counter any threats to the homeland that may arise.

*Ensure the Arctic remains a stable, conflict-free region*…. While Arctic and non-Arctic states have thus far demonstrated a commitment to a stable and conflict-free region, Navy presence in cooperation with international partners will encourage all nations to act responsibly and in accordance with the rights and freedoms provided in international law.

*Preserve Freedom of the Seas*. Access to the global commons and freedom of the seas are national priorities. U.S. policy since 1983 provides that the U.S. will exercise and assert its navigation and overflight rights and freedoms on a worldwide basis in a manner consistent with the balance of U.S. interests as reflected in UNCLOS….

DoD's FON [Freedom of Navigation] Program employs every branch of military service, including the U.S. Coast Guard. In the Arctic, Navy submarines can conduct FONOPS,

either undersea or by surfacing, and Navy surface combatants could conduct FONOPS in open water conditions during the summer melt season….

*Promote partnerships within the U.S. Government and with allies and partners to achieve the above objectives.* Today's great power competition requires both a renewed focus on the Navy's role as part of the Joint Force and a rededication to engagement. The Navy will engage [in the Arctic] with allies and partners, in order to protect the American homeland, maintain maritime superiority in key maritime regions, and promote U.S. interests globally.

The Navy will collaborate with interagency and international partners and allies to improve all-domain awareness, information sharing, and communications [in the Arctic] through participation in training, operations, and exercises. The Navy's submarine fleet has decades of experience performing missions and exercises under the sea ice….

The Navy continues to make investments in its global operational modeling capability to improve the ability to protect operational forces, installations, and equipment from hazardous conditions of the physical environment. The Navy collaborates with NOAA, DOE, NASA, NSF, and the U.S. Air Force to improve Arctic modeling and forecasting capabilities….

The Navy will continue to play a significant leadership role in the Arctic. Through its global reach capability and worldwide command and control, Navy leadership will support joint and interagency efforts, enhance information sharing, and promote interoperability….

The Arctic provides additional maneuver room for distributed nuclear and conventional forces to operate in support of deterrence….

The Navy will be ready to exercise Sea Control in order to defend United States' maritime access and interests in the Arctic….

The Arctic enables power projection from vectors [i.e., geographic points of origin] [that are] in addition to [those made possible by] traditional operating areas….

Maritime security in the Arctic includes defending sea lines of communication and the homeland from seaborne attacks, maritime domain awareness, and supporting Coast Guard operations as required….

The Navy will continue to evaluate the requirements and priorities associated with the rapid movement of personnel, materiel, and forces to and from or within the Arctic by sea to provide timely movement, positioning, and sustainment of the Joint Force across the range of military operations….

The Navy will provide support as required to search and rescue missions [in the Arctic] conducted and led by the Coast Guard and as directed in support of international partners….

The Navy will remain ready to support missions [in the Arctic] such as pollution response or natural disaster recovery; integrated planning efforts with local, state, federal, and native communities; and interoperability with the Coast Guard and international partners. Mitigating navigation hazards and chemical spills in the Arctic operational environment requires specialized equipment and tactics, techniques and procedures. …

The Navy will continually assess its preparedness and make informed decisions on Arctic operations and planning in response to changes in the Arctic operational environment or changes in its strategic context. As changes to threats, opportunities, and risks in the Arctic security environment may occur, they will be viewed in balance with the global nature of Great Power Competition.[327]

[327] U.S. Navy, *Strategic Outlook for the Arctic*, January 2019, pp. 4-13. For a press report about the strategy, see

### *Reestablishment of 2nd Fleet for North Atlantic and Arctic*

In May 2018, the Navy announced that it would reestablish the 2nd Fleet, which was the Navy's fleet during the Cold War for countering Soviet naval forces in the North Atlantic. The fleet's formal reestablishment occurred in August 2018. The 2nd Fleet was created in 1950 and disestablished in September 2011. In its newly reestablished form, it is described as focusing on countering Russian naval forces not only in the North Atlantic but in the Arctic as well.[328]

### *Upcoming Freedom of Navigation (FON) Operation in Arctic*

In January 2019, the Navy announced that "in coming months" it will send a Navy warship through Arctic waters on a freedom of navigation (FON) operation to assert U.S. navigational rights under international law in Arctic waters. The U.S. government's FON program was established in 1979 and annually includes multiple U.S. Navy FON operations conducted in various parts of the world.[329] The upcoming FON operation in the Arctic, however, will reportedly be the Navy's first ever FON operation in the Arctic.[330]

## Coast Guard

### *April 2019 Coast Guard Arctic Strategic Outlook*

The Coast Guard, like the Navy, has released a series of Arctic-related studies and strategy documents in recent years. In April 2019, the Coast Guard released a new Arctic strategic outlook document as the successor to its previous 2013 Arctic strategy document. The April 2019 strategic outlook document states

> The United States is an Arctic Nation, and the United States Coast Guard has served as the lead federal agency for homeland security, safety, and environmental stewardship in the Arctic region for over 150 years. Since Revenue Cutters first sailed to Alaska in 1867 to establish U.S. sovereignty, the Service's role has expanded, including representing American interests as a leader in the international bodies governing navigation, search and rescue, vessel safety, fisheries enforcement, and pollution response across the entire Arctic. As the region continues to open and strategic competition drives more actors to look to the Arctic for economic and geopolitical advantages, the demand for Coast Guard leadership and presence will continue to grow.

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Melody Schreiber, "As Climate Changes, US Admirals See Increasing Need for Arctic Presence, *Arctic Today*, May 21, 2019.

[328] See, for example, Christopher Woody, "The US Navy's Newest Fleet Is Bulking Up for 'Leaner, Agile' Operations to Counter Russia in the Atlantic and the Arctic," *Business Insider*, January 18, 2019; Patricia Kime, "The Navy Isd gearing Up for 'Leaner, Agile' Operations in Arctic, North Atlantic," *Military.com*, January 16, 2019; Rich Abott, "2nd Fleet To Be Fully Operational in 2019, Sees Real Russian Threat," *Defense Daily*, December 3, 2018; Sam LaGrone, "U.S. 2nd Fleet Racing Toward a 2019 Operational Capability," USNI News, November 29, 2018; Paul McLeary, "New Second Fleet To Stay Lean, Unpredictable, Commander Says; & Watching China," *Breaking Defense*, November 29, 2018; Sam LaGrone, "CNO: New 2nd Fleet Boundary Will Extend North to the Edge of Russian Waters," *USNI News*, August 24, 2018.

[329] For background information on the FON program, see the section entitled "Freedom of Navigation (FON) Program" in CRS Report R42784, *China's Actions in South and East China Seas: Implications for U.S. Interests—Background and Issues for Congress*.

[330] See Ben Kesling, "Cold War Games: U.S. Is Preparing to Test the Waters in Icy Arctic," Wall Street Journal, January 11, 2019; Samuel Osborne, "US Navy to Sail Warship Through Arctic Waters in Show of Strength to Russia and China," *Independent (UK)*, January 14, 2019. See also Megan Eckstein "Navy May Deploy Surface Ships to Arctic This Summer as Shipping Lanes Open Up," *USNI News*, January 8, 2019.

Since the release of the Coast Guard Arctic Strategy in 2013, the resurgence of nation-state competition has coincided with dramatic changes in the physical environment of the Arctic, which has elevated the region's prominence as a strategically competitive space. America's two nearest-peer powers, Russia and China, have both declared the region a national priority and made corresponding investments in capability and capacity to expand their influence in the region. Russia and China's persistent challenges to the rules-based international order around the globe cause concern of similar infringement to the continued peaceful stability of the Arctic region. As the only U.S. Service that combines both military and civil authorities, the Coast Guard is uniquely suited to address the interjurisdictional challenges of today's strategic environment by modeling acceptable behavior, building regional capacity, and strengthening organizations that foster transparency and good governance across the Arctic.

The Arctic's role in geostrategic competition is growing, in large part because reductions in permanent sea ice have exposed coastal borders and facilitated increased human and economic activity. The warming of the Arctic has led to longer and larger windows of reduced ice conditions. From 2006 to 2018, satellite imagery observed the 12 lowest Arctic ice extents on record. This has led to greater access through Arctic shipping routes. While the near-term future of these routes is uncertain, a polar route has the potential to reduce transit times of traditional shipping routes by up to two weeks. Russia's establishment of a Northern Sea Route Administration, along with the use of high ice-class Liquefied Natural Gas (LNG) tankers built specifically to export natural gas from its Yamal LNG facility, have contributed significantly to the increase in commercial shipping traffic in the Arctic. In addition, opportunities for potential resource extraction and expanding Arctic tourism offer new prospects for some of the Nation's most isolated communities and broader benefits to America. However, changing terrain and subsistence food patterns, as well as the impacts of increasingly frequent and intense winter storms, continue to challenge the communities and increase risk in the maritime domain.

The Coast Guard will adhere to the following principles as it manages these risks and seizes the opportunities created by these changes:

**Partnership.** The Arctic is an exceptional place that demands collaboration across national boundaries. The Coast Guard will partner with the Arctic Nations, as well as partners and allies with Arctic interests, to contribute to keeping the Arctic a conflict-free region. The Service will continue to dedicate resources to forums, such as the Arctic Council, and to combined operations and exercises to safeguard and secure the Arctic domain.

The unique and valuable relationship the Coast Guard has established with tribal entities builds mutual trust and improves mission capacity and readiness. We will continue to incorporate lessons-learned from engagements with Alaska Native communities, as well as industry and other Arctic residents, in the development and implementation of policy and strategy.

**Unity of Effort.** The Coast Guard will advance the Nation's strategic goals and priorities in the Arctic and exercise leadership across the Arctic community of federal, state, and local agencies. As a military Service, the Coast Guard will strengthen interoperability with the Department of Defense and complement the capabilities of the other military services to support the National Security Strategy and the National Military Strategy.

**A Culture of Continuous Innovation.** The Coast Guard cannot meet the challenges of tomorrow's Arctic with today's paradigms. Rapid technological advancements within the maritime industry, combined with robust investments by strategic competitors, have raised the stakes. The Service must take this opportunity to leverage transformative technology and lead the employment of innovative policies to solve complex problems.

While the strategic context has changed, Coast Guard missions in the Arctic are enduring. The Coast Guard will protect the Nation's vital interests by upholding the rules-based order

in the maritime domain while cooperating to reduce conflict and risk. We will help safeguard the Nation's Arctic communities, environment, and economy. The Service will pursue these ends through three complementary lines of effort:

**Line of Effort 1: Enhance Capability to Operate Effectively in a Dynamic Arctic**

In order to prosecute its missions in the Arctic, the Coast Guard must fully understand and operate freely in this vast and unforgiving environment. Effective capability requires sufficient heavy icebreaking vessels, reliable high-latitude communications, and comprehensive Maritime Domain Awareness. In order to respond to crises in the Arctic, our Nation must also muster adequate personnel, aviation, and logistics resources in the region. The Coast Guard is the sole provider and operator of the U.S. polar capable fleet but currently does not have the capability or capacity to assure access in the high latitudes. Closing the gap requires persistent investment in capabilities and capacity for polar operations, including the Polar Security Cutter. The Coast Guard will pursue this line of effort through three sub-objectives.

• Fill Gaps in the Coast Guard's Arctic Operational Capability and Capacity

• Establish Persistent Awareness and Understanding of the Arctic Domain

• Close the Critical Communications Gap in the Arctic

**Line of Effort 2: Strengthen the Rules-Based Order**

Actions by strategic competitors will challenge the long-standing norms that have made the Arctic an area of peace and low tension. The institutions contributing to a conflict-free Arctic will face new challenges requiring active and committed American leadership. The Coast Guard is uniquely positioned to provide this leadership in the maritime domain. The Coast Guard is dedicated to strengthening institutions–such as the Arctic Council, the Arctic Coast Guard Forum (ACGF), and the International Maritime Organization (IMO)–and partnerships which reinforce the rules-based order and foster transparency.

Rules and norms endure when nations demonstrate a commitment to upholding them. Working closely with allies and partners, the Coast Guard will deter threats to international maritime norms and America's national interests by conducting operations and exercises along the full spectrum of competition. Working in partnership with the Department of Defense, the Coast Guard will continue to support to the Nation's defense priorities in the Arctic. The Coast Guard will work closely with joint and international partners to build capability and demonstrate resolve in the Arctic.

The Coast Guard will pursue this line of effort through two sub-objectives.

• Strengthen Partnerships and Lead International Forums

• Counter Challenges to the International Rules-Based Order in the Maritime Domain

**Line of Effort 3: Innovate and Adapt to Promote Resilience and Prosperity**

The tyranny of distance and the harsh Arctic climate pose significant challenges to agencies charged with providing maritime safety and security to all Americans, including the hundreds of villages and thousands of seasonal workers in the U.S. Arctic. Search and rescue, law enforcement, marine safety, waterways management, and other Coast Guard missions are complicated by the Arctic's dynamic and remote operating environment. The Coast Guard will collaborate with stakeholders to develop new practices and technology to serve the maritime community and manage risk in the region.

As the Nation's maritime first responder, the Coast Guard will lead and participate in planning and exercises that include federal, state, tribal, local, international, non-governmental and industry partners to test preparedness and adaptability. During a crisis in the Arctic's maritime domain, the Service will lead an effective, unified response. The Coast Guard will pursue this line of effort through three sub-objectives.

- Support Regional Resilience and Lead in Crisis Response
- Address Emerging Demands in the Maritime Law Enforcement Mission
- Advance and Modernize the Arctic Marine Transportation System

Conclusion. Increased accessibility and activity will create more demand for Coast Guard services in the Arctic maritime domain. While long-term trends point to a more consistently navigable and competitive region, other environmental and economic factors make it difficult to predict the scope and pace of change. Near-term variability in the physical environment exposes mariners and communities to unpredictable levels of risk. As the region attracts increasing attention from both partner and competitor states, America's economic and security interests will become even more closely tied to the Arctic. Each development is significant on its own, but in combination, these trends create a new risk landscape for the Nation and the Coast Guard. This updated strategic outlook reflects a recognition of these realities and outlines the Service's lines of effort to succeed in the new Arctic.[331]

# CRS Reports on Specific Arctic-Related Issues

CRS Report RL33872, *Arctic National Wildlife Refuge (ANWR): An Overview*, by M. Lynne Corn, Michael Ratner, and Laura B. Comay

CRS Report RL32838, *Arctic National Wildlife Refuge (ANWR): Votes and Legislative Actions Since the 95th Congress*, by M. Lynne Corn and Beth Cook

CRS Report RL33705, *Oil Spills: Background and Governance*, by Jonathan L. Ramseur

CRS Report RL34391, *Coast Guard Polar Security Cutter (Polar Icebreaker) Program: Background and Issues for Congress*, by Ronald O'Rourke

[331] Coast Guard, *Arctic Strategic Outlook*, April 2019, Executive Summary (pp. 4-7). For press reports about the strategy, see, for example, Ragnhild Grønning, "Strategic Competition in Focus in US Coast Guard Arctic Strategy," *High North News*, May 2, 2019; Dermot Cole, "The Coast Guard's New Arctic Strategic Vision Downplays a Big Problem: Budget Constraints," *Arctic Today*, April 29, 2019; Kyle Rempfer, "Great Powers on Ice: Coast Guard Drops Arctic Manifesto," *Military Times*, April 25, 2019; Dan Lamothe, "New Coast Guard Strategy for the Arctic Calls for 'Projecting Sovereignty' to Contest China and Russia," *Washington Post*, April 22, 2019.

# Appendix A. Arctic Research and Policy Act (ARPA) of 1984 (Title I of P.L. 98-373)

The text of the Arctic Research and Policy Act (ARPA) of 1984 (Title I of P.L. 98-373 of July 31, 1984)[332] is as follows:

TITLE I – ARCTIC RESEARCH AND POLICY

SHORT TITLE

SEC. 101. This title may be cited as the "Arctic Research and Policy Act of 1984".

FINDINGS AND PURPOSES

SEC. 102. (a) The Congress finds and declares that-

(1) the Arctic, onshore and offshore, contains vital energy resources that can reduce the Nation's dependence on foreign oil and improve the national balance of payments;

(2) as the Nation's only common border with the Soviet Union, the Arctic is critical to national defense;

(3) the renewable resources of the Arctic, specifically fish and other seafood, represent one of the Nation's greatest commercial assets;

(4) Arctic conditions directly affect global weather patterns and must be understood in order to promote better agricultural management throughout the United States;

(5) industrial pollution not originating in the Arctic region collects in the polar air mass, has the potential to disrupt global weather patterns, and must be controlled through international cooperation and consultation;

(6) the Arctic is a natural laboratory for research into human health and adaptation, physical and psychological, to climates of extreme cold and isolation and may provide information crucial for future defense needs;

(7) atmospheric conditions peculiar to the Arctic make the Arctic a unique testing ground for research into high latitude communications, which is likely to be crucial for future defense needs;

(8) Arctic marine technology is critical to cost-effective recovery and transportation of energy resources and to the national defense;

(9) the United States has important security, economic, and environmental interests in developing and maintaining a fleet of icebreaking vessels capable of operating effectively in the heavy ice regions of the Arctic;

(10) most Arctic-rim countries, particularly the Soviet Union, possess Arctic technologies far more advanced than those currently available in the United States;

(11) Federal Arctic research is fragmented and uncoordinated at the present time, leading to the neglect of certain areas of research and to unnecessary duplication of effort in other areas of research;

(12) improved logistical coordination and support for Arctic research and better dissemination of research data and information is necessary to increase the efficiency and utility of national Arctic research efforts;

[332] Title II of P.L. 98-373 is the National Critical Materials Act of 1984.

(13) a comprehensive national policy and program plan to organize and fund currently neglected scientific research with respect to the Arctic is necessary to fulfill national objectives in Arctic research;

(14) the Federal Government, in cooperation with State and local governments, should focus its efforts on the collection and characterization of basic data related to biological, materials, geophysical, social, and behavioral phenomena in the Arctic;

(15) research into the long-range health, environmental, and social effects of development in the Arctic is necessary to mitigate the adverse consequences of that development to the land and its residents;

(16) Arctic research expands knowledge of the Arctic, which can enhance the lives of Arctic residents, increase opportunities for international cooperation among Arctic-rim countries, and facilitate the formulation of national policy for the Arctic; and

(17) the Alaskan Arctic provides an essential habitat for marine mammals, migratory waterfowl, and other forms of wildlife which are important to the Nation and which are essential to Arctic residents.

(b) The purposes of this title are-

(1) to establish national policy, priorities, and goals and to provide a Federal program plan for basic and applied scientific research with respect to the Arctic, including natural resources and materials, physical, biological and health sciences, and social and behavioral sciences;

(2) to establish an Arctic Research Commission to promote Arctic research and to recommend Arctic research policy;

(3) to designate the National Science Foundation as the lead agency responsible for implementing Arctic research policy; and

(4) to establish an Interagency Arctic Research Policy Committee to develop a national Arctic research policy and a five year plan to implement that policy.

ARCTIC RESEARCH COMMISSION

SEC. 103. (a) The President shall establish an Arctic Research Commission (hereafter referred to as the "Commission").

(b)(1) The Commission shall be composed of five members appointed by the President, with the Director of the National Science Foundation serving as a nonvoting, ex officio member. The members appointed by the President shall include-

(A) three members appointed from among individuals from academic or other research institutions with expertise in areas of research relating to the Arctic, including the physical, biological, health, environmental, social, and behavioral sciences;

(B) one member appointed from among indigenous residents of the Arctic who are representative of the needs and interests of Arctic residents and who live in areas directly affected by Arctic resource development; and

(C) one member appointed from among individuals familiar with the Arctic and representative of the needs and interests of private industry undertaking resource development in the Arctic.

(2) The President shall designate one of the appointed members of the Commission to be chairperson of the Commission.

(c)(1) Except as provided in paragraph (2) of this subsection, the term of office of each member of the Commission appointed under subsection (b)(1) shall be four years.

(2) Of the members of the Commission originally appointed under subsection (b)(1)-

(A) one shall be appointed for a term of two years;

(B) two shall be appointed for a term of three years; and

(C) two shall be appointed for a term of four years.

(3) Any vacancy occurring in the membership of the Commission shall be filled, after notice of the vacancy is published in the Federal Register, in the manner provided by the preceding provisions of this section, for the remainder of the unexpired term.

(4) A member may serve after the expiration of the member's term of office until the President appoints a successor.

(5) A member may serve consecutive terms beyond the member's original appointment.

(d)(1) Members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. A member of the Commission not presently employed for compensation shall be compensated at a rate equal to the daily equivalent of the rate for GS-16 of the General Schedule under section 5332 of title 5, United States Code, for each day the member is engaged in the actual performance of his duties as a member of the Commission, not to exceed 90 days of service each year. Except for the purposes of chapter 81 of title 5 (relating to compensation for work injuries) and chapter 171 of title 28 (relating to tort claims), a member of the Commission shall not be considered an employee of the United States for any purpose.

(2) The Commission shall meet at the call of its Chairman or a majority of its members.

(3) Each Federal agency referred to in section 107(b) may designate a representative to participate as an observer with the Commission.

These representatives shall report to and advise the Commission on the activities relating to Arctic research of their agencies.

(4) The Commission shall conduct at least one public meeting in the State of Alaska annually.

DUTIES OF COMMISSION

SEC. 104. (a) The Commission shall-

(1) develop and recommend an integrated national Arctic research policy;

(2) in cooperation with the Interagency Arctic Research Policy Committee established under section 107, assist in establishing a national Arctic research program plan to implement the Arctic research policy;

(3) facilitate cooperation between the Federal Government and State and local governments with respect to Arctic research;

(4) review Federal research programs in the Arctic and suggest improvements in coordination among programs;

(5) recommend methods to improve logistical planning and support for Arctic research as may be appropriate and in accordance with the findings and purposes of this title;

(6) suggest methods for improving efficient sharing and dissemination of data and information on the Arctic among interested public and private institutions;

(7) offer other recommendations and advice to the Interagency Committee established under section 107 as it may find appropriate; and

(8) cooperate with the Governor of the State of Alaska and with agencies and organizations of that State which the Governor may designate with respect to the formulation of Arctic research policy.

(b) Not later than January 31 of each year, the Commission shall-

(1) publish a statement of goals and objectives with respect to Arctic research to guide the Interagency Committee established under section 107 in the performance of its duties; and

(2) submit to the President and to the Congress a report describing the activities and accomplishments of the Commission during the immediately preceding fiscal year.

COOPERATION WITH THE COMMISSION

SEC. 105. (a)(1) The Commission may acquire from the head of any Federal agency unclassified data, reports, and other nonproprietary information with respect to Arctic research in the possession of the agency which the Commission considers useful in the discharge of its duties.

(2) Each agency shall cooperate with the Commission and furnish all data, reports, and other information requested by the Commission to the extent permitted by law; except that no agency need furnish any information which it is permitted to withhold under section 552 of title 5, United States Code.

(b) With the consent of the appropriate agency head, the Commission may utilize the facilities and services of any Federal agency to the extent that the facilities and services are needed for the establishment and development of an Arctic research policy, upon reimbursement to be agreed upon by the Commission and the agency head and taking every feasible step to avoid duplication of effort.

(c) All Federal agencies shall consult with the Commission before undertaking major Federal actions relating to Arctic research.

ADMINISTRATION OF THE COMMISSION

SEC. 106. The Commission may-

(1) in accordance with the civil service laws and subchapter III of chapter 53 of title 5, United States Code, appoint and fix the compensation of an Executive Director and necessary additional staff personnel, but not to exceed a total of seven compensated personnel;

(2) procure temporary and intermittent services as authorized by section 3109 of title 5, United States Code;

(3) enter into contracts and procure supplies, services, and personal property; and

(4) enter into agreements with the General Services Administration for the procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in amounts to be agreed upon by the Commission and the Administrator of the General Services Administration.

LEAD AGENCY AND INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE

SEC. 107. (a) The National Science Foundation is designated as the lead agency responsible for implementing Arctic research policy, and the Director of the National Science Foundation shall insure that the requirements of section 108 are fulfilled.

(b)(1) The President shall establish an Interagency Arctic Research Policy Committee (hereinafter referred to as the “Interagency Committee”).

(2) The Interagency Committee shall be composed of representatives of the following Federal agencies or offices:

(A) the National Science Foundation;

(B) the Department of Commerce;

(C) the Department of Defense;

(D) the Department of Energy;

(E) the Department of the Interior;

(F) the Department of State;

(G) the Department of Transportation;

(H) the Department of Health and Human Services;

(I) the National Aeronautics and Space Administration;

(J) the Environmental Protection Agency; and

(K) any other agency or office deemed appropriate.

(3) The representative of the National Science Foundation shall serve as the Chairperson of the Interagency Committee.

DUTIES OF THE INTERAGENCY COMMITTEE

SEC. 108. (a) The Interagency Committee shall-

(1) survey Arctic research conducted by Federal, State, and local agencies, universities, and other public and private institutions to help determine priorities for future Arctic research, including natural resources and materials, physical and biological sciences, and social and behavioral sciences;

(2) work with the Commission to develop and establish an integrated national Arctic research policy that will guide Federal agencies in developing and implementing their research programs in the Arctic;

(3) consult with the Commission on-

(A) the development of the national Arctic research policy and the 5-year plan implementing the policy;

(B) Arctic research programs of Federal agencies;

(C) recommendations of the Commission on future Arctic research; and

(D) guidelines for Federal agencies for awarding and administering Arctic research grants;

(4) develop a 5-year plan to implement the national policy, as provided for in section 109;

(5) provide the necessary coordination, data, and assistance for the preparation of a single integrated, coherent, and multiagency budget request for Arctic research as provided for in section 110;

(6) facilitate cooperation between the Federal Government and State and local governments in Arctic research, and recommend the undertaking of neglected areas of research in accordance with the findings and purposes of this title;

(7) coordinate and promote cooperative Arctic scientific research programs with other nations, subject to the foreign policy guidance of the Secretary of State;

(8) cooperate with the Governor of the State of Alaska in fulfilling its responsibilities under this title;

(9) promote Federal interagency coordination of all Arctic research activities, including-

(A) logistical planning and coordination; and

(B) the sharing of data and information associated with Arctic research, subject to section 552 of title 5, United States Code; and

(10) provide public notice of its meetings and an opportunity for the public to participate in the development and implementation of national Arctic research policy.

(b) Not later than January 31, 1986, and biennially thereafter, the Interagency Committee shall submit to the Congress through the President, a brief, concise report containing-

(1) a statement of the activities and accomplishments of the Interagency Committee since its last report; and

(2) a description of the activities of the Commission, detailing with particularity the recommendations of the Commission with respect to Federal activities in Arctic research.

5-YEAR ARCTIC RESEARCH PLAN

SEC. 109. (a) The Interagency Committee, in consultation with the Commission, the Governor of the State of Alaska, the residents of the Arctic, the private sector, and public interest groups, shall prepare a comprehensive 5-year program plan (hereinafter referred to as the "Plan") for the overall Federal effort in Arctic research. The Plan shall be prepared and submitted to the President for transmittal to the Congress within one year after the enactment of this Act and shall be revised biennially thereafter.

(b) The Plan shall contain but need not be limited to the following elements:

(1) an assessment of national needs and problems regarding the Arctic and the research necessary to address those needs or problems;

(2) a statement of the goals and objectives of the Interagency Committee for national Arctic research;

(3) a detailed listing of all existing Federal programs relating to Arctic research, including the existing goals, funding levels for each of the 5 following fiscal years, and the funds currently being expended to conduct the programs;

(4) recommendations for necessary program changes and other proposals to meet the requirements of the policy and goals as set forth by the Commission and in the Plan as currently in effect; and

(5) a description of the actions taken by the Interagency Committee to coordinate the budget review process in order to ensure interagency coordination and cooperation in (A) carrying out Federal Arctic research programs, and (B) eliminating unnecessary duplication of effort among these programs.

COORDINATION AND REVIEW OF BUDGET REQUESTS

SEC. 110. (a) The Office of Science and Technology Policy shall-

(1) review all agency and department budget requests related to the Arctic transmitted pursuant to section 108(a)(5), in accordance with the national Arctic research policy and the 5-year program under section 108(a)(2) and section 109, respectively; and

(2) consult closely with the Interagency Committee and the Commission to guide the Office of Science and Technology Policy's efforts.

(b)(1) The Office of Management and Budget shall consider all Federal agency requests for research related to the Arctic as one integrated, coherent, and multiagency request which shall be reviewed by the Office of Management and Budget prior to submission of the President's annual budget request for its adherence to the Plan. The Commission shall, after submission of the President's annual budget request, review the request and report to Congress on adherence to the Plan.

(2) The Office of Management and Budget shall seek to facilitate planning for the design, procurement, maintenance, deployment, and operations of icebreakers needed to provide a platform for Arctic research by allocating all funds necessary to support icebreaking

operations, except for recurring incremental costs associated with specific projects, to the Coast Guard.

AUTHORIZATION OF APPROPRIATIONS; NEW SPENDING AUTHORITY

SEC. 111. (a) There are authorized to be appropriated such sums as may be necessary for carrying out this title.

(b) Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974) which is provided under this title shall be effective for any fiscal year only to such extent or in such amounts as may be provided in appropriation Acts.

DEFINITION

SEC. 112. As used in this title, the term "Arctic" means all United States and foreign territory north of the Arctic Circle and all United States territory north and west of the boundary formed by the Porcupine, Yukon, and Kuskokwim Rivers; all contiguous seas, including the Arctic Ocean and the Beaufort, Bering, and Chukchi Seas; and the Aleutian chain.

# Appendix B. P.L. 101-609 of 1990, Amending Arctic Research and Policy Act (ARPA) of 1984

The Arctic Research and Policy Act (ARPA) of 1984 (see **Appendix A**) was amended by P.L. 101-609 of November 16, 1990. The text of P.L. 101-609 is as follows:

> SECTION 1. Except as specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to, or repeal of a provision, the reference shall be deemed to be made to the Arctic Research and Policy Act of 1984.
>
> SEC. 2. Section 103(b)(1) (15 U.S.C. 4102(b)(1)) is amended—
>
> (1) in the text above clause (A), by striking out `five' and inserting in lieu thereof `seven';
>
> (2) in clause (A), by striking out `three' and inserting in lieu thereof `four'; and
>
> (3) in clause (C), by striking out `one member' and inserting in lieu thereof `two members'.
>
> SEC. 3. Section 103(d)(1) (15 U.S.C. 4102(d)(1)) is amended by striking out `GS-16' and inserting in lieu thereof `GS-18'.
>
> SEC. 4. (a) Section 104(a) (15 U.S.C. 4102(a)) is amended—
>
> (1) in paragraph (4), by striking out `suggest' and inserting in lieu thereof `recommend';
>
> (2) in paragraph (6), by striking out `suggest' and inserting in lieu thereof `recommend';
>
> (3) in paragraph (7), by striking out `and' at the end thereof;
>
> (4) in paragraph (8), by striking out the period and inserting in lieu thereof a semicolon; and
>
> (5) by adding at the end thereof the following new paragraphs:
>
> '(9) recommend to the Interagency Committee the means for developing international scientific cooperation in the Arctic; and
>
> '(10) not later than January 31, 1991, and every 2 years thereafter, publish a statement of goals and objectives with respect to Arctic research to guide the Interagency Committee established under section 107 in the performance of its duties.'.
>
> (b) Section 104(b) is amended to read as follows:
>
> '(b) Not later than January 31 of each year, the Commission shall submit to the President and to the Congress a report describing the activities and accomplishments of the Commission during the immediately preceding fiscal year.'.
>
> SEC. 5. Section 106 (15 U.S.C. 4105) is amended—
>
> (1) in paragraph (3), by striking out 'and' at the end thereof;
>
> (2) in paragraph (4), by striking out the period at the end thereof and inserting in lieu thereof; and'; and
>
> (3) by adding at the end thereof the following new paragraph:
>
> '(5) appoint, and accept without compensation the services of, scientists and engineering specialists to be advisors to the Commission. Each advisor may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Except for the purposes of chapter 81 of title 5 (relating to compensation for work injuries) and chapter 171 of title 28 (relating to tort claims) of the United States Code, an advisor appointed under this paragraph shall not be considered an employee of the United States for any purpose.'

SEC. 6. Subsection (b)(2) of section 108 (15 U.S.C. 4107(b)(2)) is amended to read as follows:

'(2) a statement detailing with particularity the recommendations of the Commission with respect to Federal interagency activities in Arctic research and the disposition and responses to those recommendations.'

# Appendix C. January 2009 Arctic Policy Directive (NSPD 66/HSPD 25)

On January 12, 2009, the George W. Bush Administration released a presidential directive establishing a new U.S. policy for the Arctic region. The directive, dated January 9, 2009, was issued as National Security Presidential Directive 66/Homeland Security Presidential Directive 25 (NSPD 66/HSPD 25). The text of NSPD 66/HSPD 25 is as follows:

> SUBJECT: Arctic Region Policy
>
> I. PURPOSE
>
> A. This directive establishes the policy of the United States with respect to the Arctic region and directs related implementation actions. This directive supersedes Presidential Decision Directive/NSC-26 (PDD-26; issued 1994) with respect to Arctic policy but not Antarctic policy; PDD-26 remains in effect for Antarctic policy only.
>
> B. This directive shall be implemented in a manner consistent with the Constitution and laws of the United States, with the obligations of the United States under the treaties and other international agreements to which the United States is a party, and with customary international law as recognized by the United States, including with respect to the law of the sea.
>
> II. BACKGROUND
>
> A. The United States is an Arctic nation, with varied and compelling interests in that region. This directive takes into account several developments, including, among others:
>
> 1. Altered national policies on homeland security and defense;
>
> 2. The effects of climate change and increasing human activity in the Arctic region;
>
> 3. The establishment and ongoing work of the Arctic Council; and
>
> 4. A growing awareness that the Arctic region is both fragile and rich in resources.
>
> III. POLICY
>
> A. It is the policy of the United States to:
>
> 1. Meet national security and homeland security needs relevant to the Arctic region;
>
> 2. Protect the Arctic environment and conserve its biological resources;
>
> 3. Ensure that natural resource management and economic development in the region are environmentally sustainable;
>
> 4. Strengthen institutions for cooperation among the eight Arctic nations (the United States, Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, and Sweden);
>
> 5. Involve the Arctic's indigenous communities in decisions that affect them; and
>
> 6. Enhance scientific monitoring and research into local, regional, and global environmental issues.
>
> B. National Security and Homeland Security Interests in the Arctic
>
> 1. The United States has broad and fundamental national security interests in the Arctic region and is prepared to operate either independently or in conjunction with other states to safeguard these interests. These interests include such matters as missile defense and early warning; deployment of sea and air systems for strategic sealift, strategic deterrence,

maritime presence, and maritime security operations; and ensuring freedom of navigation and overflight.

2. The United States also has fundamental homeland security interests in preventing terrorist attacks and mitigating those criminal or hostile acts that could increase the United States vulnerability to terrorism in the Arctic region.

3. The Arctic region is primarily a maritime domain; as such, existing policies and authorities relating to maritime areas continue to apply, including those relating to law enforcement.[1] Human activity in the Arctic region is increasing and is projected to increase further in coming years. This requires the United States to assert a more active and influential national presence to protect its Arctic interests and to project sea power throughout the region.

4. The United States exercises authority in accordance with lawful claims of United States sovereignty, sovereign rights, and jurisdiction in the Arctic region, including sovereignty within the territorial sea, sovereign rights and jurisdiction within the United States exclusive economic zone and on the continental shelf, and appropriate control in the United States contiguous zone.

5. Freedom of the seas is a top national priority. The Northwest Passage is a strait used for international navigation, and the Northern Sea Route includes straits used for international navigation; the regime of transit passage applies to passage through those straits. Preserving the rights and duties relating to navigation and overflight in the Arctic region supports our ability to exercise these rights throughout the world, including through strategic straits.

6. Implementation: In carrying out this policy as it relates to national security and homeland security interests in the Arctic, the Secretaries of State, Defense, and Homeland Security, in coordination with heads of other relevant executive departments and agencies, shall:

a. Develop greater capabilities and capacity, as necessary, to protect United States air, land, and sea borders in the Arctic region;

b. Increase Arctic maritime domain awareness in order to protect maritime commerce, critical infrastructure, and key resources;

c. Preserve the global mobility of United States military and civilian vessels and aircraft throughout the Arctic region;

d. Project a sovereign United States maritime presence in the Arctic in support of essential United States interests; and

e. Encourage the peaceful resolution of disputes in the Arctic region.

C. International Governance

1. The United States participates in a variety of fora, international organizations, and bilateral contacts that promote United States interests in the Arctic. These include the Arctic Council, the International Maritime Organization (IMO), wildlife conservation and management agreements, and many other mechanisms. As the Arctic changes and human activity in the region increases, the United States and other governments should consider, as appropriate, new international arrangements or enhancements to existing arrangements.

2. The Arctic Council has produced positive results for the United States by working within its limited mandate of environmental protection and sustainable development. Its subsidiary bodies, with help from many United States agencies, have developed and undertaken projects on a wide range of topics. The Council also provides a beneficial venue for interaction with indigenous groups. It is the position of the United States that the Arctic Council should remain a high-level forum devoted to issues within its current mandate and not be transformed into a formal international organization, particularly one with assessed

contributions. The United States is nevertheless open to updating the structure of the Council, including consolidation of, or making operational changes to, its subsidiary bodies, to the extent such changes can clearly improve the Council's work and are consistent with the general mandate of the Council.

3. The geopolitical circumstances of the Arctic region differ sufficiently from those of the Antarctic region such that an "Arctic Treaty" of broad scope—along the lines of the Antarctic Treaty—is not appropriate or necessary.

4. The Senate should act favorably on U.S. accession to the U.N. Convention on the Law of the Sea promptly, to protect and advance U.S. interests, including with respect to the Arctic. Joining will serve the national security interests of the United States, including the maritime mobility of our Armed Forces worldwide. It will secure U.S. sovereign rights over extensive marine areas, including the valuable natural resources they contain. Accession will promote U.S. interests in the environmental health of the oceans. And it will give the United States a seat at the table when the rights that are vital to our interests are debated and interpreted.

5. Implementation: In carrying out this policy as it relates to international governance, the Secretary of State, in coordination with heads of other relevant executive departments and agencies, shall:

a. Continue to cooperate with other countries on Arctic issues through the United Nations (U.N.) and its specialized agencies, as well as through treaties such as the U.N. Framework Convention on Climate Change, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on Long Range Transboundary Air Pollution and its protocols, and the Montreal Protocol on Substances that Deplete the Ozone Layer;

b. Consider, as appropriate, new or enhanced international arrangements for the Arctic to address issues likely to arise from expected increases in human activity in that region, including shipping, local development and subsistence, exploitation of living marine resources, development of energy and other resources, and tourism;

c. Review Arctic Council policy recommendations developed within the ambit of the Council's scientific reviews and ensure the policy recommendations are subject to review by Arctic governments; and

d. Continue to seek advice and consent of the United States Senate to accede to the 1982 Law of the Sea Convention.

D. Extended Continental Shelf and Boundary Issues

1. Defining with certainty the area of the Arctic seabed and subsoil in which the United States may exercise its sovereign rights over natural resources such as oil, natural gas, methane hydrates, minerals, and living marine species is critical to our national interests in energy security, resource management, and environmental protection. The most effective way to achieve international recognition and legal certainty for our extended continental shelf is through the procedure available to States Parties to the U.N. Convention on the Law of the Sea.

2. The United States and Canada have an unresolved boundary in the Beaufort Sea. United States policy recognizes a boundary in this area based on equidistance. The United States recognizes that the boundary area may contain oil, natural gas, and other resources.

3. The United States and Russia are abiding by the terms of a maritime boundary treaty concluded in 1990, pending its entry into force. The United States is prepared to enter the agreement into force once ratified by the Russian Federation.

4. Implementation: In carrying out this policy as it relates to extended continental shelf and boundary issues, the Secretary of State, in coordination with heads of other relevant executive departments and agencies, shall:

a. Take all actions necessary to establish the outer limit of the continental shelf appertaining to the United States, in the Arctic and in other regions, to the fullest extent permitted under international law;

b. Consider the conservation and management of natural resources during the process of delimiting the extended continental shelf; and

c. Continue to urge the Russian Federation to ratify the 1990 United States-Russia maritime boundary agreement.

E. Promoting International Scientific Cooperation

1. Scientific research is vital for the promotion of United States interests in the Arctic region. Successful conduct of U.S. research in the Arctic region requires access throughout the Arctic Ocean and to terrestrial sites, as well as viable international mechanisms for sharing access to research platforms and timely exchange of samples, data, and analyses. Better coordination with the Russian Federation, facilitating access to its domain, is particularly important.

2. The United States promotes the sharing of Arctic research platforms with other countries in support of collaborative research that advances fundamental understanding of the Arctic region in general and potential Arctic change in particular. This could include collaboration with bodies such as the Nordic Council and the European Polar Consortium, as well as with individual nations.

3. Accurate prediction of future environmental and climate change on a regional basis, and the delivery of near real-time information to end-users, requires obtaining, analyzing, and disseminating accurate data from the entire Arctic region, including both paleoclimatic data and observational data. The United States has made significant investments in the infrastructure needed to collect environmental data in the Arctic region, including the establishment of portions of an Arctic circumpolar observing network through a partnership among United States agencies, academic collaborators, and Arctic residents. The United States promotes active involvement of all Arctic nations in these efforts in order to advance scientific understanding that could provide the basis for assessing future impacts and proposed response strategies.

4. United States platforms capable of supporting forefront research in the Arctic Ocean, including portions expected to be ice-covered for the foreseeable future, as well as seasonally ice-free regions, should work with those of other nations through the establishment of an Arctic circumpolar observing network. All Arctic nations are members of the Group on Earth Observations partnership, which provides a framework for organizing an international approach to environmental observations in the region. In addition, the United States recognizes that academic and research institutions are vital partners in promoting and conducting Arctic research.

5. Implementation: In carrying out this policy as it relates to promoting scientific international cooperation, the Secretaries of State, the Interior, and Commerce and the Director of the National Science Foundation, in coordination with heads of other relevant executive departments and agencies, shall:

a. Continue to play a leadership role in research throughout the Arctic region;

b. Actively promote full and appropriate access by scientists to Arctic research sites through bilateral and multilateral measures and by other means;

c. Lead the effort to establish an effective Arctic circumpolar observing network with broad partnership from other relevant nations;

d. Promote regular meetings of Arctic science ministers or research council heads to share information concerning scientific research opportunities and to improve coordination of international Arctic research programs;

e. Work with the Interagency Arctic Research Policy Committee (IARPC) to promote research that is strategically linked to U.S. policies articulated in this directive, with input from the Arctic Research Commission; and

f. Strengthen partnerships with academic and research institutions and build upon the relationships these institutions have with their counterparts in other nations.

F. Maritime Transportation in the Arctic Region

1. The United States priorities for maritime transportation in the Arctic region are:

a. To facilitate safe, secure, and reliable navigation;

b. To protect maritime commerce; and

c. To protect the environment.

2. Safe, secure, and environmentally sound maritime commerce in the Arctic region depends on infrastructure to support shipping activity, search and rescue capabilities, short- and long-range aids to navigation, high-risk area vessel-traffic management, iceberg warnings and other sea ice information, effective shipping standards, and measures to protect the marine environment. In addition, effective search and rescue in the Arctic will require local, State, Federal, tribal, commercial, volunteer, scientific, and multinational cooperation.

3. Working through the International Maritime Organization (IMO), the United States promotes strengthening existing measures and, as necessary, developing new measures to improve the safety and security of maritime transportation, as well as to protect the marine environment in the Arctic region. These measures may include ship routing and reporting systems, such as traffic separation and vessel traffic management schemes in Arctic chokepoints; updating and strengthening of the Guidelines for Ships Operating in Arctic Ice-Covered Waters; underwater noise standards for commercial shipping; a review of shipping insurance issues; oil and other hazardous material pollution response agreements; and environmental standards.

4. Implementation: In carrying out this policy as it relates to maritime transportation in the Arctic region, the Secretaries of State, Defense, Transportation, Commerce, and Homeland Security, in coordination with heads of other relevant executive departments and agencies, shall:

a. Develop additional measures, in cooperation with other nations, to address issues that are likely to arise from expected increases in shipping into, out of, and through the Arctic region;

b. Commensurate with the level of human activity in the region, establish a risk-based capability to address hazards in the Arctic environment. Such efforts shall advance work on pollution prevention and response standards; determine basing and logistics support requirements, including necessary airlift and icebreaking capabilities; and improve plans and cooperative agreements for search and rescue;

c. Develop Arctic waterways management regimes in accordance with accepted international standards, including vessel traffic-monitoring and routing; safe navigation standards; accurate and standardized charts; and accurate and timely environmental and navigational information; and

d. Evaluate the feasibility of using access through the Arctic for strategic sealift and humanitarian aid and disaster relief.

G. Economic Issues, Including Energy

1. Sustainable development in the Arctic region poses particular challenges. Stakeholder input will inform key decisions as the United States seeks to promote economic and energy security. Climate change and other factors are significantly affecting the lives of Arctic inhabitants, particularly indigenous communities. The United States affirms the importance to Arctic communities of adapting to climate change, given their particular vulnerabilities.

2. Energy development in the Arctic region will play an important role in meeting growing global energy demand as the area is thought to contain a substantial portion of the world's undiscovered energy resources. The United States seeks to ensure that energy development throughout the Arctic occurs in an environmentally sound manner, taking into account the interests of indigenous and local communities, as well as open and transparent market principles. The United States seeks to balance access to, and development of, energy and other natural resources with the protection of the Arctic environment by ensuring that continental shelf resources are managed in a responsible manner and by continuing to work closely with other Arctic nations.

3. The United States recognizes the value and effectiveness of existing fora, such as the Arctic Council, the International Regulators Forum, and the International Standards Organization.

4. Implementation: In carrying out this policy as it relates to economic issues, including energy, the Secretaries of State, the Interior, Commerce, and Energy, in coordination with heads of other relevant executive departments and agencies, shall:

a. Seek to increase efforts, including those in the Arctic Council, to study changing climate conditions, with a view to preserving and enhancing economic opportunity in the Arctic region. Such efforts shall include inventories and assessments of villages, indigenous communities, subsistence opportunities, public facilities, infrastructure, oil and gas development projects, alternative energy development opportunities, forestry, cultural and other sites, living marine resources, and other elements of the Arctic's socioeconomic composition;

b. Work with other Arctic nations to ensure that hydrocarbon and other development in the Arctic region is carried out in accordance with accepted best practices and internationally recognized standards and the 2006 Group of Eight (G-8) Global Energy Security Principles;

c. Consult with other Arctic nations to discuss issues related to exploration, production, environmental and socioeconomic impacts, including drilling conduct, facility sharing, the sharing of environmental data, impact assessments, compatible monitoring programs, and reservoir management in areas with potentially shared resources;

d. Protect United States interests with respect to hydrocarbon reservoirs that may overlap boundaries to mitigate adverse environmental and economic consequences related to their development;

e. Identify opportunities for international cooperation on methane hydrate issues, North Slope hydrology, and other matters;

f. Explore whether there is a need for additional fora for informing decisions on hydrocarbon leasing, exploration, development, production, and transportation, as well as shared support activities, including infrastructure projects; and

g. Continue to emphasize cooperative mechanisms with nations operating in the region to address shared concerns, recognizing that most known Arctic oil and gas resources are located outside of United States jurisdiction.

H. Environmental Protection and Conservation of Natural Resources

1. The Arctic environment is unique and changing. Increased human activity is expected to bring additional stressors to the Arctic environment, with potentially serious consequences for Arctic communities and ecosystems.

2. Despite a growing body of research, the Arctic environment remains poorly understood. Sea ice and glaciers are in retreat. Permafrost is thawing and coasts are eroding. Pollutants from within and outside the Arctic are contaminating the region. Basic data are lacking in many fields. High levels of uncertainty remain concerning the effects of climate change and increased human activity in the Arctic. Given the need for decisions to be based on sound scientific and socioeconomic information, Arctic environmental research, monitoring, and vulnerability assessments are top priorities. For example, an understanding of the probable consequences of global climate variability and change on Arctic ecosystems is essential to guide the effective long-term management of Arctic natural resources and to address socioeconomic impacts of changing patterns in the use of natural resources.

3. Taking into account the limitations in existing data, United States efforts to protect the Arctic environment and to conserve its natural resources must be risk-based and proceed on the basis of the best available information.

4. The United States supports the application in the Arctic region of the general principles of international fisheries management outlined in the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of December 10, 1982, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and similar instruments. The United States endorses the protection of vulnerable marine ecosystems in the Arctic from destructive fishing practices and seeks to ensure an adequate enforcement presence to safeguard Arctic living marine resources.

5. With temperature increases in the Arctic region, contaminants currently locked in the ice and soils will be released into the air, water, and land. This trend, along with increased human activity within and below the Arctic, will result in increased introduction of contaminants into the Arctic, including both persistent pollutants (e.g., persistent organic pollutants and mercury) and airborne pollutants (e.g., soot).

6. Implementation: In carrying out this policy as it relates to environmental protection and conservation of natural resources, the Secretaries of State, the Interior, Commerce, and Homeland Security and the Administrator of the Environmental Protection Agency, in coordination with heads of other relevant executive departments and agencies, shall:

a. In cooperation with other nations, respond effectively to increased pollutants and other environmental challenges;

b. Continue to identify ways to conserve, protect, and sustainably manage Arctic species and ensure adequate enforcement presence to safeguard living marine resources, taking account of the changing ranges or distribution of some species in the Arctic. For species whose range includes areas both within and beyond United States jurisdiction, the United States shall continue to collaborate with other governments to ensure effective conservation and management;

c. Seek to develop ways to address changing and expanding commercial fisheries in the Arctic, including through consideration of international agreements or organizations to govern future Arctic fisheries;

d. Pursue marine ecosystem-based management in the Arctic; and

e. Intensify efforts to develop scientific information on the adverse effects of pollutants on human health and the environment and work with other nations to reduce the introduction of key pollutants into the Arctic.

IV. Resources and Assets

A. Implementing a number of the policy elements directed above will require appropriate resources and assets. These elements shall be implemented consistent with applicable law and authorities of agencies, or heads of agencies, vested by law, and subject to the availability of appropriations. The heads of executive departments and agencies with responsibilities relating to the Arctic region shall work to identify future budget, administrative, personnel, or legislative proposal requirements to implement the elements of this directive.

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[1] These policies and authorities include Freedom of Navigation (PDD/NSC-32), the U.S. Policy on Protecting the Ocean Environment (PDD/NSC-36), Maritime Security Policy (NSPD-41/HSPD-13), and the National Strategy for Maritime Security (NSMS).[333]

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[333] Source for text: http://fas.org/irp/offdocs/nspd/nspd-66.htm. The text is also available at http://www.nsf.gov/od/opp/opp_advisory/briefings/may2009/nspd66_hspd25.pdf.

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