

Analyzing the Russian-Canadian Arctic Shipping Lane Dispute and Order Construction based on the Arctic Strategy

Xiaotong Jia*

School of Politics and Public Administration, Qufu normal university, Rizhao, Shandong, 76826, China

*1345296236@qq.com

Abstract

The Arctic region has been an important area for political and economic games among countries around the world throughout history. With the frequent occurrence of ice melting and other problems caused by global warming in the 21st century, the Arctic region has once again become a hot spot for geopolitical research. The value of Arctic shipping lanes has also increased. Countries are competing for the interests of Arctic shipping lanes, behind which are national, security and economic interests, and disputes over Arctic shipping lanes are a kind of "political disputes". Russia and Canada, as the two major countries along the Arctic coastline, their respective claims to the Arctic shipping lanes involve the sovereignty of the Arctic shipping lanes. Based on this, the conflicts and contradictions between the two countries have been continuous, and the issue has expanded from purely in the field of shipping lanes to include political, economic, sovereignty, security and energy aspects. In this paper, we will sort out the Arctic shipping claims of Russia and Canada, analyze the disputes over the Arctic shipping lanes, and promote the construction of order in the Arctic shipping lanes through relevant international organizations and agreements.

Keywords

Arctic Shipping Lanes; Russia; Canada; Arctic Strategy.

1. Introduction

1.1. Background of the Study

Since the beginning of the 21st century, there has been a significant seasonal melting of sea-ice-covered Arctic waters as a result of the warming climate. The navigable range of the Arctic shipping lanes has been continuously enlarged and the navigable time has been continuously extended, and the melting of the Arctic glaciers has enhanced the shipping value of the Arctic shipping lanes. In the international arena, Russia, Canada, the United States and other countries have accelerated the development of resources in the Arctic region through the formulation of their own Arctic policies to seize the upper hand. The implementation of strict control measures for the Arctic shipping lanes has generated certain conflicts and disputes in the political economy, and the research on the Arctic region and the Arctic shipping lanes in the domestic and international academic circles has been continuously promoted.

1.2. Progress of Research

Because of its distance from the Arctic, China's research on the Arctic region started late and progressed slowly. The research on Arctic shipping lanes has only emerged in the last few years. There are a total of 186 papers with the theme of "Arctic shipping lanes" in China Knowledge Network, and the research mainly starts from the impact of Arctic shipping lanes on China's trade potential, and gradually broadens the domestic research perspective on the geopolitics of

the Arctic. Currently, the hotspot of domestic research focuses on the relationship and strategic choice between China and the Arctic shipping lanes. Comparatively speaking, fewer scholars have studied the Arctic policies of other countries such as Russia and Canada, and there is a gap in domestic research.

Compared with China, foreign research started earlier, and the research content is more extensive and profound. Searching the Web of Science Core Collection database with the theme of "Arctic shipping routes", a total of 407 papers were found. The number of foreign scholars studying Arctic shipping routes shows a trend of increasing year by year, but before 2009, the research progress was slow, and the Arctic issue did not receive much attention from the academic community. After 2009, the number of publications on Arctic shipping routes has increased significantly, mainly due to the influence of climate change in the Arctic region. Especially from 2013 to the present, this phase is an explosive period of research, with the number of publications increasing year by year. This is closely related to the events of May 15, 2013, when China, India, Italy, Japan, the Republic of Korea, and Singapore became official observers of the Arctic Council, and the outbreak of the Ukraine crisis.

2. Status and Value of the Arctic Shipping Lanes

2.1. Status of the Arctic Shipping Lanes

The Arctic shipping lane is a sea route connecting the various regions of the Arctic Ocean and an important route linking Europe, Asia and North America. The strategic position of the Arctic shipping lanes is very important, including a total of three shipping lanes. The first is the Central Passage through the North Pole (or the Pole Passage). The second is the Northeast Passage (called the Northern Sea Route in Russia), which passes through the waters off the northern coast of Russia. The third is the Northwest Passage, which passes through the waters of the Canadian Arctic Archipelago. Because of its unique geographical location, the Arctic region is rich in oil, natural gas, mineral resources and fishery resources, and the development and utilization of these resources will become the key to the future economic development of the Arctic shipping lanes. However, due to the cold climate and harsh natural environment, the sea around the Central Fairway is always covered with ice and cannot be used for commercial shipping. The Northern Sea Route and the Northwest Passage are navigable in the summer and can be used for some sea transportation with the help of icebreakers in case of ice accumulation[1].

In terms of legal status, the importance of Arctic shipping lanes has attracted extensive attention from the international community. At present, Arctic shipping lanes are considered to be internationally recognized shipping lanes. Therefore, in accordance with the provisions of the International Convention on the Law of the Sea, all States are entitled to exercise the right to freedom of navigation in the Arctic shipping lanes. In addition, the issue of sovereignty over the Arctic region and the related delimitation of boundaries remains one of the important issues in the international arena. As it relates to the utilization and management of Arctic waters, the competition for interests among countries has also made the Arctic shipping lanes more complex. It is therefore important to adopt an international cooperation mechanism to address these issues in order to promote the sustainable development of Arctic shipping lanes.

2.2. Value of Arctic Shipping Lanes

As a result of global warming, the area of the Arctic ice cap is gradually decreasing and the ice is thinning. The Arctic shipping lanes are being opened for longer and longer periods of time. Sea ice is no longer an obstacle to navigation in the Arctic Ocean, which makes the Arctic shipping lane a more convenient and direct sea route. Its economic and military value is gradually increasing.

As the Arctic ice cap diminishes, the Arctic shipping lanes are open for longer periods of time, significantly reducing voyages and transportation costs for global shipping. For shipping across Eurasia and North America, the Arctic shipping lanes can shorten the voyage by about 1/3. It greatly reduces the cost and time of cargo transportation and is expected to promote the further development of global trade and economic development. At the same time, the Arctic region has rich mineral and hydrocarbon resources. The U.S. Geological Survey estimates that the Arctic contains 30% of the world's unproven natural gas reserves and 13% of the world's unproven oil reserves[2]. With its unique location and proximity to rich polar resources, the Arctic shipping lanes provide new ways to extract and transport oil, gas and other resources across borders. This could greatly promote the economic development of the circumpolar Arctic region.

The Arctic shipping lanes, as important sea lanes in the polar regions, have certain strategic significance and value in military terms. The Arctic shipping lane is a sea route connecting Europe with North America. For Western countries and Russia, controlling the Arctic shipping lanes is equivalent to controlling this sea route, which can improve the security and strategic position of the country. The Arctic shipping lanes are subject to long periods of extreme weather during the summer months and can therefore be used for the deployment of military equipment such as long-range bombers, surface ships and submarines. As climate change continues to diminish the Arctic ice cap and severe ice loss occurs, the Arctic shipping lanes will become an important corridor for military deployment at sea. In addition, the low temperature of the Arctic ice cap, coupled with its geographic isolation, provides favorable conditions for countries to conduct scientific research and "polar warfare" in the military field. It can be used to test new equipment, improve the military's adaptability and ability to combat cold environments, etc.[3].

3. Russia-Canada Arctic Shipping Lane Dispute

The primary contradiction in the issue of Arctic shipping lanes is the sovereignty of Arctic waters. The Arctic sea is divided into the high seas and the sea under the jurisdiction of the Arctic coastal States, through which the Arctic shipping routes run. Once commercial navigation is carried out, a series of sovereignty issues will be involved. Therefore, most of the disputes over Arctic shipping routes are in the form of sovereignty games over the routes. With regard to the Northeast Passage and the Northwest Passage, the eight Arctic-rim countries and the foreign countries in the relevant Arctic territories have different interests and different positions. To date, no consensus has been reached on the sovereignty of the Northeast Passage and the Northwest Passage.

3.1. Policies Related to the Russian Arctic Shipping Lanes

On March 5, 2020, the Russian President approved the implementation of the Basic State Arctic Policy for the period up to 2035, which sets out 11 key tasks in the area of infrastructure. Formation of a fleet of ice-breaking, rescue and auxiliary vessels to ensure the safety of transportation on the Northern Route and other shipping routes throughout the year. Establishment of a system for preventing and dealing with oil spills on the Northern Route and other maritime routes to minimize pollution. Port construction and modernization. Expanding the feasibility of navigable rivers in the Russian Arctic, including dredging works, construction of ports and related facilities. Construction of railroads to guarantee exports to selected European and Asian countries along the Northern Sea Route. Development of a system of spatial monitoring of the Arctic region that is not dependent on foreign technological and information means. Development of energy supply systems, upgrading of local power generation facilities, expansion of the use of renewable energy sources, liquefied natural gas and local fuels, etc.

By analyzing Russia's policy arrangements in the Northern Sea Route, it can be found that Russia has made accelerated development of the Arctic shipping lanes one of its key priorities against the background of Western sanctions. It has continued to liberalize its policies and deregulate its port construction and resource management, and has strengthened its infrastructure construction in order to safeguard its sovereignty and interests in the Northern Sea Route.

3.2. Policies Related to the Canadian Arctic Shipping Lanes

More than 1/3 of Canada's territory is in the Arctic region, which determines that Canada attaches more importance to its strategic deployment in the Arctic than other countries. According to the Arctic and Northern Policy Framework issued by Canada in 2019, the Canadian government believes that although there is not yet a direct threat in the Arctic and Northern regions. However, both Arctic and non-Arctic states have expressed a variety of economic and military interest claims in the Arctic as the region's natural environment changes. In particular, the Northwest Passage of Canada, which provides easier access to the Arctic, facilitates access for other States in order to preserve Canadian sovereignty in the Arctic shipping lanes. Canada still needs to develop effective security frameworks, defense systems, and deterrence capabilities to ensure that it can enjoy continued security in the Arctic in the future. Canada's economic and sovereign interests in the Arctic are safeguarded through a focus on the health of the population, the deployment of armed forces, the development of infrastructure and regular strategic patrols of its territory, airspace and territorial waters.

The framework addresses Arctic shipping related elements as infrastructure enhancements and investments in new Arctic hangars and accommodation units. It will be used to improve the ability to develop the Northern Territory, maintain order in the Northwest Arctic Passage, and reduce disparities between Canada and other regions. security of its people by maintaining sovereignty in the Northwest Passage. In terms of coast guard construction, Canada has provided platforms with anti-ice capabilities to support responses to maritime safety, security and environmental threats. It has equipped three temporary medium-sized icebreakers with remotely piloted aircraft systems (RPAS) to enhance its airborne maritime surveillance.

3.3. Conflicting Interests in the Russian-Canadian Arctic Waterway

Russia continues to hold sovereignty over the entire Northern Sea Route (Northeast Passage), while Canada has always considered the Northwest Passage to be under its sovereignty. Although the two routes are not in conflict, there is still the issue of conflicting interests in the Arctic shipping lanes between Russia and Canada[4].

First of all, the two countries have made strategic arrangements regarding their sovereignty over the Arctic shipping lanes, and have safeguarded their sovereignty, security and national interests by setting up guards, strengthening infrastructure construction and other measures. However, the Arctic region does not belong to one country alone, and the development of the Arctic region requires the joint development of the two shipping routes. The two have different claims and different behaviors in the development and construction of shipping lanes. There is bound to be a conflict of interest in the development of resources and transportation of materials through the passages of each country, which will lead to disputes of different degrees. Secondly, with regard to the navigation of ships and airplanes in the Arctic region, Canada has tried to strengthen its control over the Northwest Passage, which it calls "Canada's Northern Passage". Foreign vessels are required to apply for permission from the Canadian government before they can pass through. Russia, on the other hand, has asserted its sovereignty over the Northeast Passage, claiming control of the waters and deploying naval and air forces in the Arctic. Not only do Canada and Russia have competing and conflicting interests, but other Arctic countries such as the U.S. and Norway are similarly hampered by the obstacles set up by Russia and Canada. The international community has continued to oppose Russian-Canadian shipping

lane claims, and has defended its right to freedom of navigation in Arctic shipping lanes through the joint establishment of the International Straits System.

In addition to this, there are other disputes between Russia and Canada over the development of Arctic shipping lanes and resource exploitation. For example, Russia's proposal to allocate resources among the "Arctic Five" (Russia, Canada, Norway, Denmark and the United States) was rejected by Canada and other Arctic countries. This was opposed by Canada and other Arctic states. In order to resolve these issues, close cooperation and consultation between Russia, Canada and the other Arctic states is needed. This will require balancing the interests of all parties, fully respecting international law and the rights of indigenous peoples, and developing sustainable development plans. In this way, the development of Arctic shipping lanes and resource exploitation can be promoted and the ecological environment of the Arctic region can be protected.

4. Ordering the Arctic Shipping Lanes

Resolving conflicts of interest in Arctic shipping lanes is a very arduous task that requires the support of many parties. In the face of common interests and challenges, the relevant international organizations should fulfil their due obligations within the scope of their competence. Russia, Canada and other countries should also continue to strengthen their cooperation to jointly promote the sustainable development of the Arctic shipping lanes and regional peace and prosperity[5].

4.1. The Arctic Council Promotes Cooperation and Coordination among States

The Arctic Council is an Arctic cooperative forum established by the eight Arctic States on the basis of the Ottawa Declaration issued in 1996. As a positive outcome of the end of the cold war, the Arctic Council has, to a certain extent, realized substantive cooperation among the eight Arctic-rim countries, including Canada and Russia, as well as non-Arctic countries. Some results have been achieved in monitoring and assessing the Arctic environment and climate change, and in promoting the participation of indigenous peoples in the sustainable development of the region. At the same time, however, there are obvious inherent shortcomings, such as the absence of legally binding obligations and regulations and the lack of a strict international organization.

The Arctic Council can play a positive role in building order in the Arctic shipping lanes. The nature and functions of the Arctic Council allow member States to use it as a platform to resolve disputes over the nature of Arctic shipping lanes. This is because the nature of the Arctic shipping lanes involves not only the territorial sovereignty claims of Canada and Russia, but also disputes over the regime of navigation in straits under the international law of the sea. These disputes concern the core interests of Russia and Canada, and both countries will likely not agree to the Arctic Council discussing and resolving them[1]. While the Arctic Council may be unable to deal with sensitive conflicts at this time, however, as opportunities in the Arctic grow. The Arctic Council can facilitate cooperation between countries in the Arctic through confidence building, environmental protection, and other means to mitigate existing conflicts and tensions.

4.2. The UN Security Council Assumes its Responsibility for the Maintenance of International Peace and Security

The United Nations Security Council is the organization of the United Nations with responsibility for the maintenance of international peace and security. In accordance with Chapter VI of the Charter of the United Nations, the parties to any dispute shall first of all settle it by peaceful means of their own choice. If the dispute remains unresolved, it shall be referred to the Security Council, provided that the dispute endangers the maintenance of international

peace and security. Conflicts in the Arctic shipping lanes may be referred to the United Nations Security Council for negotiation and settlement if they have grown or have become a threat to international peace and security. In addition, the General Assembly of the United Nations may make recommendations to the Members of the United Nations on questions or matters within the scope of the Charter of the United Nations, and is empowered to recommend methods of peaceful adjustment of "any situation which is likely to impair the public welfare or friendly relations among nations".

While it is impossible to determine whether specific issues in the Arctic shipping lanes are consistent with the UN Charter, the UNSC remains a powerful organization for dealing with disputes in the Arctic shipping lanes. As a global coordinating body, the UNSC can develop international law, arrange conflict management bodies, promote consultation and cooperation, and regulate regulation in various ways. It can play an active role in dealing with Arctic shipping lane disputes, thereby maintaining a harmonious order in the Arctic shipping lanes and promoting the development of all mankind and the progress of the international community.

4.3. United Nations Convention on the Law of the Sea

It is not clear on any of the Arctic routes who really has the right to decide who can pass through and what criteria they must adhere to in order to do so. Without this information, uncertainty increases, and therefore the likelihood of misunderstandings between States increases.

(1) Construction of a transit passage regime for Arctic shipping lanes

At present, the international maritime order has established a legal order with the United Nations Convention on the Law of the Sea as its framework, and the issue of navigation in the Arctic shipping lanes should be adjusted and regulated by the international law of the sea under the framework of the Convention. From a comprehensive view of all aspects of Arctic shipping, as the shipping value of the Arctic sea lanes continues to rise, the conditions for them to be used as straits for international navigation have also been further satisfied. The establishment of a transit passage system for the Arctic shipping lanes will not involve too much the legal status of the waters involved in the Arctic shipping lanes, and can to a large extent weaken the conflict of interests between coastal states and user states[6]. Under the transit passage system, the coastal states of the Arctic shipping lanes have the right to designate sea lanes for navigation in the Arctic shipping lanes in accordance with the relevant provisions of the Convention in order to safeguard the safety of navigation and provide for the system of traffic separation, and they are also authorized to formulate laws and regulations on the transit passage of foreign ships. The establishment of a transit regime for Arctic shipping lanes will enable effective monitoring of the movement of vessels and activities, thereby reducing the potential for transnational crime and minimizing illegal fishing and trafficking in the Arctic region.

(2) Construction of a navigation system for the purpose of sustainable development

As an important part of the concept of a community of human destiny, the concept of a community of maritime destiny also aims to overcome the shortcomings of the international law of the sea in terms of institutional design. It can serve as a new concept for the international community to deal with the unfinished business of the Convention. The concept of a community of destiny for the oceans advocates the joint efforts of all countries to exploit marine resources in an orderly manner on the premise of protecting the marine ecosystem. They should actively participate in global ocean governance and realize harmonious coexistence between human beings and the oceans.

At a time when the marine economy is growing and competition for marine resources is becoming increasingly fierce, the principle of joint consultation, joint construction and joint sharing embodied in the community of maritime destiny undoubtedly poses higher requirements for cooperation in the Arctic, both at the level of international relations and at the level of the international legal order. Both coastal countries and user countries of the Arctic

waterway are equal in the field of development and utilization of the Arctic waterway. The order and norms of the Arctic shipping lanes should be agreed upon by all the main parties, and a marine environmental protection system should be established. Environmental protection should be the starting and ending point, not the control of navigation as currently advocated by Russia and Canada. All countries should actively cooperate and consult in order to maintain the safety of navigation in the Arctic shipping lanes, safeguard the marine environment, and contribute to the sustainable development of the Arctic shipping lanes through the concept of a community of maritime destiny.

5. Conclusion

With the warming of the climate, the shipping value of the Arctic shipping lanes has gradually increased, and all countries are actively striving for the rights and interests of the Arctic region. The current Arctic strategies of Russia and Canada have defined the sovereignty of the Arctic shipping lanes to a certain extent, put forward the idea of internalization of the Arctic shipping lanes, and imposed many restrictions on the use of the Arctic shipping lanes by other countries. We should recognize that the Arctic shipping lanes do not belong to any country, and we need to further clarify what rights and obligations each country has in the Arctic shipping lanes. Russia and Canada should assume the responsibility of great powers for maintaining a harmonious order and environment in the shipping lanes, and seek a balance between the development and utilization of the Arctic shipping lanes and the protection of the Arctic ecosystem. As a near-Arctic country and a full-fledged observer State of the Arctic Council, China should uphold the concept of community, actively participate in the settlement of global issues related to the Arctic and disputes over Arctic shipping lanes, and promote the construction of an order for Arctic shipping lanes on the basis of the principles of joint consultation, joint construction and joint sharing.

References

- [1] Wang Zelin. Study on the Peaceful Settlement of the Dispute over Navigation in the Arctic Waterway[J]. WU International Law Review, 2022, 6(03):1-22.
- [2] Donald L. Gautier et al. Assessment of Undiscovered Oil and Gas in the Arctic [R] Science 324, 1175-1179 (2009).
- [3] Wu Hui. International Law Analysis of the "Arctic War" [J]. Journal of the Institute of International Relations, 2007, 5.
- [4] Zheng Lei. The Handling of Freedom of Navigation Issues by Coastal States in Arctic Waterways and Implications [J]. Research on International Issues, 2016, 6.
- [5] Michael Byers, Suzanne Lalonde. Who Controls the Northwest Passage [J] Vanderbilt Journal of Transnational Law, 2009, (42):1148.
- [6] LI Tiansheng,WU Fangling. On the Controversy and Future of Navigation Rights in Arctic Waterways[J]. Politics and Law, 2023(01):135-148.