

**Commentary**

**A Cooperative Regime for the Arctic:  
Addressing Sea Lines of Communication  
and Nuclear Weapons**

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Journal of Autonomy and Security Studies,  
7(2) 2023, pp. 158 – 164

**Abstract**

The UN Convention on the Law of the Seas has established a solid legal foundation for Arctic activities, but it does not prevent the geopolitical rivalry between the USA, China and Russia from extending into the region. Joint action to alleviate upcoming tensions are presently on hold because of the war in Ukraine, but in the meantime, cooperative approaches are worth exploring. Two interrelated issues merit particular attention: how to protect sea lines of communication (SLOCs) without triggering big power conflict, and how to deal with the problems posed by nuclear weapons.

**Keywords**

Arctic, geopolitics, sea lines of communication, nuclear, regime

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## 1. A virgin area turning crowded

A new ocean is emerging in the Arctic. Forecasts indicate that by 2040, the Polar Basin will be completely free of summer ice except for Northern Greenland and the Ellesmere islands, providing access to resources and opening new lines of transport amid a range of serious environmental concerns.<sup>1</sup> The two biggest trading blocs – China and the EU – may benefit greatly from transport routes between Asia and Europe that are much shorter than the current ones, and many nations will be keen to exploit natural resources in the area.

Russia has positioned itself for years. It possesses a formidable body of knowledge about Arctic matters; its Northern fleet is conducting frequent patrols along the Siberian coast, and a separate combined arms unit has been established to protect its political and economic interests. It has an impressive fleet of icebreakers and is about to introduce nuclear-propelled coast guard ships tailored to Arctic conditions.<sup>2</sup>

The United States has been a slow starter but is waking up to the economic prospects and geopolitical challenges. In October 2022, the US Government released a new National Strategy for the Arctic. Driven by the Russian invasion of Ukraine and the growing rivalry with China, security is the number one concern and the means are primarily military. The Arctic Council is still seen as the premier forum for discussion of Arctic affairs, but it is unlikely to be the preferred forum for high table diplomacy on security affairs.

The Chinese navy has undergone an unprecedented build-up and has arguably become the second most powerful in the world. Naturally, China takes a growing interest in the resource potentials of the Arctic, and an Arctic silk-way may emerge in the not-so-distant future. So far, however, China has been content to let Russia do the groundwork for realization of the resource and transport potentials north of Siberia.

The EU has great stakes in Arctic affairs. It is one of the largest markets in the world and is close to the Arctic, with three member states (Denmark, Finland and Sweden) being Arctic States. The 2021 strategy for the Arctic emphasizes sustainable use of resources and is well integrated with the Union's goal of zero net greenhouse gas emissions by 2050. In disputes of resource exploitation versus preservation it promises to be a strong voice for preservation, but it has neither membership nor observer status with the Arctic Council. The Union is no effective geopolitical actor, but big member states may see fit to engage militarily in the High North.

The new ocean may therefore be a crowded one before long.

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1 World Economic Forum, 2017. "The Arctic could be ice free by 2040", <https://www.weforum.org/.../2017/05/the-arctic-could-be-ice-free> ... Last updated 07-02-2023.

2 Berg, John. 2023. "Putin vil eie Arktis." Oslo: Aftenposten, 4. January. The first one, Ivan Papanin, is supposed to be ready in 2023 and the second, Nikolai Zubov, in 2024. They are to be equipped with Kalibr cruise missiles.

## 2. Geopolitics in the Arctic

The world is transitioning from one order to something else we do not yet know. Existing rules, norms and institutions are eroding, and new ones emerge. In the process, much is at stake – much more than usual. A handful of big powers are doing their very best to defend and promote their interests and shape a new order to their liking, and the rivalry between them is intense. In the past, world orders were established after major wars, during short periods of opportunity.<sup>3</sup> Now, the transition is a protracted one that may last for decades.

In this turbulent and conflict-ridden process, a rapidly growing number of states take a keen interest in the potentials that an open Arctic Ocean offers. The risk is that the Arctic, too, will become a geopolitical battleground.

The global geopolitical competition centers more and more on the relationship between the USA and China. Generally, the US advantage is its unprecedented military power and its control of the international financial system. The latter enables it to impose sanctions on friends as well as foes. In addition, it has 35 allies in NATO and East Asia. Translated to the Arctic, the ambition is to regain military dominance in the region.<sup>4</sup> Nothing less would do for a nation bent on full spectrum superiority in military high technology.

China is making great strides on the World Island (Asia, the Middle East and Africa)<sup>5</sup> by economic means, taking advantage of the fact that the US has become protectionist. Previously, US national security documents always emphasized that free trade was key to the maintenance of US hegemony. Now, that field has been left for China to exploit. China is at the center of the largest multilateral free-trade agreement in the world<sup>6</sup>, seeks participation in others, and in the period 2013-2021 a total of more than 1,500 billion dollars has been invested in Silkroad projects.<sup>7</sup> Also, the Chinese state is rich while in the US the fortunes are in private hands, meaning that China's maneuvering capability surpasses that of the US. The Shanghai Cooperation Organization, which is centered on China, has become the common institutional denominator for a growing number of members, observers and dialog partners in Asia and the Middle East.

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3 Usually lasting a few years only. These are periods that allow the parties to move ahead in new and more constructive directions because the war rendered previous practices irrelevant.

4 US Army Arctic Strategy, 2021. "Regaining dominance in the Arctic". <https://sof.news/defense/army-arctic-strategy>.

5 Mackinder, Halford John. 1904. "The Geographical Pivot of History", London: Royal Geographic Society.

6 The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP).

7 Biden's Indo-Pacific Economic Framework for Prosperity hardly deserves the label 'free-trade agreement' but was as far as he dared to go given the protectionist sentiments at home. The China-centred Regional Comprehensive Economic Partnership is the largest free-trade agreement in the world, and China has applied for membership in the Comprehensive and Progressive Agreement for Transpacific Partnership, the successor to Obama's Transpacific Partnership agreement, which Trump torpedoed (the US has not). For an excellent article on what this means for the rivalry between the USA and China, see Bildt, Carl. 2022. «How China Will Achieve Hegemony». Project Syndicate (November 17).

One part of the rivalry in the Arctic is therefore likely to be a military competition between the USA and Russia. Today, the US profile in the region is lagging in relation to Russia's, but the gap in military funding and available technologies is such that the relationship can be turned around rather quickly. If so, the Russian retaliatory capabilities on the Kola peninsula may be more exposed to US horizontal escalation strategies, affecting the Nordic countries as well.<sup>8</sup> Another part, not imminent, may be about Chinese exploitation of the resource potentials. To contain and prevent it, the US is in a position to impose sanctions on Chinese firms and foreign partners. So far US sanctions are biting, but their effectiveness is on the decline.<sup>9</sup>

### **3. Sea lines of communication**

The big maritime powers have always tried to control the Sea Lines of Communication (SLOCs). They have done so for more than 200 years – first the British and then the Americans. There have been four main objectives: to create respect for international rules and conventions; to keep the SLOCs free from pirates and other minor disturbances; to enforce blockades; and to cut the adversary's supply lines in times of war and secure one's own. The latter are wartime tasks while the former are assumed to be in the global common interest. However, the big powers are themselves the most likely violators of the rules, and we are still waiting for the USA to ratify the UN Convention on the Law of the Seas.

By 2040 if not before, three large navies may be sailing in the Arctic under the pretense of protecting the SLOCs. Other countries will also extend their activities toward the Polar basin as the ice is melting, using naval units and coast guard vessels.

### **4. Nuclear issues**

The US and Soviet/Russian Presidential Nuclear Initiatives (PNIs) of 1991/1992 removed all nuclear weapons from surface ships, attack submarines and land-based naval aircraft. Approximately half of the total US tactical nuclear stockpile was destroyed, the remainder being kept in storage. Some of the Soviet weapons were slated for elimination, and the rest were placed under centralized control.<sup>10</sup>

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8 In such strategies, escalation may not be confined to the original area of conflict, but planned in other regions where the adversary has important assets being vulnerable to counter-attack. For the US, the Kola peninsula is of special interest in this connection.

9 Lodgaard, Sverre. 2022. "Skumringstid for det amerikanske sanksjonsregimet». Oslo: Nytt Norsk Tidsskrift, Nr. 3

10 Probably under the control of the 12th Main Directorate of the Ministry of Defence, rather than the navy or air force. Koch, Susan J. 2018. "The Presidential Nuclear initiatives of 1991-1992", Tokyo: Toda Peace Institute, Policy Brief No.23 (October).

No verification provisions were attached. In the beginning, the two sides exchanged implementation reports, but the Russian submissions became progressively less informative and after a while, the exchanges ceased. The unilateral reciprocal declarations never had any legal status, and the Russian political commitment to them faltered over time. Thirty years later, under entirely different political circumstances, the status of the PNIs is therefore hard to ascertain, but many provisions may still apply.

## **5. An international regime for the Arctic**

The UN Convention on the Law of the Sea (UNCLOS), which introduced 200 nautical miles exclusive economic zones (EEZ), was “a revolutionary form of geopolitics (established) through peaceful negotiations”.<sup>11</sup> Circumpolar nations extended their rights into the Polar Sea. Russia, which borders more than 1/3 of the Polar Sea, benefitted more than others.

Four major territorial issues remain unsolved. Russia claims that the Lomonosov and Mendeleev ridges are extensions of the European and Siberian continental shelves right up to the North Pole, which is contested by others; Canada claims that the North West Passage is Canadian territory while the USA considers it to be international waters; sovereignty over the ocean floor in the Beaufort Sea and parts of the Polar Sea is also disputed; and so is the interpretation of the Spitsbergen Treaty. Norway claims that the Treaty limits the archipelago to 12 nautical miles territorial waters, leaving Norway with a continuous shelf up to 86 degrees (where the Polar basin becomes deep), while the other countries that have expressed an opinion on the matter claim that Spitsbergen is entitled to an economic zone and a continental shelf of its own.

UNCLOS established a UN Commission to assess national claims for continental shelves, which may extend beyond the EEZs. The claimants were invited to submit all relevant information, and the Commission would make recommendations on that basis. So far, the recommendations have been accepted by the states concerned.

Building on the law of the sea, how could an international regime for the Arctic, instituting a cooperative arrangement for the protection of SLOCs and limiting the presence of nuclear weapons, look? Tough climatic conditions and long distances to support facilities on land – longer than for much of the current SLOCs – call for big ships, and these are military rather than civilian vessels from the coast guards. A purely civilian regime to sustain and protect economic activities therefore seems impractical. It is easier to contemplate a regime where big powers and circumpolar nations coordinate their military and civilian capabilities to safeguard SLOCs and related economic activities. The regime would define the rules, norms and standards to be applied and update them as activities expand.

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11 Østerud, Øyvind. 2021. “Geopolitikk. En nøkkel til storpolitikken». Oslo: Dreyers Forlag: 83. Translation by the author.

Naval units patrolling in the Arctic should not be allowed to carry nuclear weapons. Duplicating the PNI provisions, surface ships, attack submarines and land-based naval aircraft would bring conventional arms only. The fact that such restrictions have been entertained and agreed in the past makes it easier to contemplate reconfirmation of them in the Arctic context. The strategic capabilities on the Kola peninsula would not be touched: they are items for discussion in future START talks (if they come about), but not in the regime context.

Would these restrictions be more than symbolic reassurances of a confidence-building nature? Would they affect military preparations in any significant way and so require changes in current force postures? The answer may not be the same for the nuclear powers involved. It would matter less for the United States, which is known to substitute conventional weapons for nuclear ones in a growing number of roles, than for the Russian Federation, which has used nuclear weapons to compensate for conventional inferiority in its military planning.

The uncertain status of PNI restrictions aside, the required adaptations seem marginal. Still, in a cooperative setting which is likely to be fragile in the beginning, such measures would be important. Just consider the alternative – a cooperative arrangement for protection of SLOCs where one day, nuclear weapons are discovered on board one of the participating naval units. The signal effect of such an incident could be detrimental for the regime. By their very nature, they would trigger special concerns. People would ask what is so cooperative and wonderful about a regime that allows nuclear weapons to be deployed under its umbrella. Better then to establish a non-nuclear norm from the beginning.

Mindful of the delicate security relationships between the big powers, the measures have to be modest and exploratory in the beginning. Fortunately, the law of the sea presents a comprehensive legal basis to build upon. So far, all parties involved have followed its rules, but in the turbulent transition from one world order to something else, rules are not written in stone. Something more is needed to shield the region from the virulent geopolitics of world affairs, but will the leading powers be willing to entertain the suggested regime components? What could be the starting point?

The first step may be a study of the maritime strategies and activities of circumpolar states and others who take an active interest in Arctic affairs, to be done by a multilateral inter-disciplinary group of researchers from among these countries. For instance, national academies of science may act as initiators and core participants in the exercise. As a follow-up, the UN Secretary General could be asked to take it to the governmental level by commissioning a study of regime elements and how best to promote them. During the

Cold War, the Secretary General initiated such studies on many occasions when strained big power relations prevented him from taking direct action. He might act in a similar way now in order to encourage cooperation and avoid conflict in the Arctic.

The new ocean emerges gradually and so do the activities. It is early days in the Arctic, so why bother now? The answer is that it takes time to develop an international regime, and for the provisions to take hold and be effective they should precede the activities, not trail them.