NATIONAL MARITIME CLAIMS IN THE ARCTIC

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Abstract

Encircling the Arctic Ocean are the five coastal States of Russia, the United States, Canada, Denmark (Greenland), and Norway. The geography of the surrounding coastlines, and the morphology and geology of the subsurface features, ensures the vast majority of the Arctic Ocean and its continental shelf will come under the national jurisdiction of these five Arctic States.

The continental shelf beyond 200 nautical miles as defined in Article 76 of the UN Convention on the Law of the Sea (UNCLOS) occupies a much larger proportion of area in the Arctic Ocean compared to any other ocean, and all five States will define a portion of it. Undersea features, such as the Lomonosov Ridge, the Alpha-Mendelev Ridge System, and the Chukchi Borderland are playing a significant role in how these States are defining or have defined their continental shelf beyond 200 nautical miles. Other factors, such as baselines, sovereignty disputes, the sector approach, the Geographic North Pole, and existing maritime boundary positions may also affect how the five States will define their maritime zones.

In the Arctic Ocean, as elsewhere, maritime boundaries are needed where there are overlapping maritime zones of two or more States with opposite or adjacent coasts. The status of maritime boundaries dividing these zones in the Arctic spans from signed bilateral agreements to managed disputes. While some have expressed concern over these overlapping zones as a potential flash point among the five Arctic States, the reality is these disputes are not much different from other areas across the globe where overlapping disputes are managed. This paper will

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Introduction

The issue of how States define their sovereignty, sovereign rights, and exclusive jurisdiction in the ocean has received much more attention since 2007, and much of that attention has focused on the Arctic Ocean. Encircling the Arctic Ocean are the five coastal States of Russia, the United States, Canada, Denmark (Greenland), and Norway. The geography of the surrounding coastlines and the morphology and geology of the subsurface features ensure the vast majority of the Arctic Ocean and its continental shelf will come under the national jurisdiction of these five States.

It is important to be aware of the different geographic definitions for the term “Arctic,” since neither the Arctic nor the Arctic Ocean has a definitive or obvious extent. One of the most common definitions for the Arctic is all land and water north of the Arctic Circle, but there are a variety of other definitions that better suit individual States or science. In regard to the Arctic Ocean, there is a definition adopted by the International Hydrographic Organization (IHO) in 1953 that is widely used. Because this paper will focus on the central Arctic Ocean basin, it will only address the five States mentioned above, but other definitions may include Iceland, Sweden, and Finland.

The Arctic Ocean is unique because it is the smallest of the world’s oceans, both in its surface area and volume of water. Its geologic and legal continental shelf occupies a much higher proportion of its area compared to the other oceans. Like the Mediterranean and Caribbean Seas, it is closely confined by the surrounding land masses. Unlike these seas, however, the number of States and thus the number of maritime boundaries is comparatively small. The Arctic Ocean was the first region with a maritime boundary treaty that applied to the continental shelf beyond 200 nautical miles, and, unlike many areas, there are no

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2 The United States has an interest in not subscribing to one particular definition of either for all purposes. Rather, each definition serves its own purpose.
3 As a member of the IHO, the United States agrees with this definition in the context of providing uniformity to mariners for navigational purposes.