CHAPTER 2

The Arctic and the Present Geopolitical Situation

Hans Corell*

The theme of this conference is highly interesting and relevant.¹ In addition, it
gives me an opportunity of meeting with so many friends from my years as the
Legal Counsel of the United Nations from 1994–2004. However, I am address-
ing you also with some concern, reflected in the title of my remarks: The Arctic
and the Present Geopolitical Situation.

One of the six units of the UN Office of Legal Affairs is the Division for
Ocean Affairs and the Law of the Sea. You will recall that in July 1990, then UN
Secretary-General Perez de Cuellar convened a series of informal consultations
to address certain difficulties with the seabed mining provisions contained in
The two last meetings in a series of 15 were convened in April and in May–June
1994 by then Secretary-General Boutros Boutros-Ghali. I had the privilege of
conducting these last two consultations on his behalf.

The consultations came to a successful end, and on 28 July 1994 the General
Assembly adopted the resulting Agreement Relating to the Implementation
of Part XI of UNCLOS. There were many who contributed to this successful
process, notably the different informal groups that were active in the consulta-
tions. I would like to mention in particular the contribution of the “Boat Paper
Group”, chaired by Ambassador Satya Nandan of Fiji, who in his earlier capac-
ity as Under-Secretary-General for Ocean Affairs and the Law of the Sea and
Special Representative of the Secretary-General for the Law of the Sea had

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¹ Opening remarks. The June, 2014, conference was hosted by John Norton Moore and Myron
Nordquist on behalf of the Center for Oceans Law and Policy, University of Virginia School of
Law, by Ernst Nordtveit on behalf of the University of Bergen, and by Tomas Heidar on behalf
of the Law of the Sea Institute of Iceland. See http://www.virginia.edu/colp/pdf/bergen-
-program.pdf.
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convinced the Secretary-General to initiate the informal consultations. It is a great pleasure to recognize Satya Nandan here in our audience.²

Why this focus on UNCLOS in a conference on the Arctic? Well, as we all know, UNCLOS is the overarching legal regime that applies in the Arctic Ocean as it does in all oceans of the world.

Part 1 of the contributions in this volume addresses evolving geomorphology, the Lomonosov Ridge, outer limits and bilateral delimitations, and risk assessment. Part 2 discusses the petroleum resources, sustainable petroleum activities and environmental aspects of hydrocarbon exploration. The third part looks at “still icy” Arctic shipping but also recent developments and essential factors in commercializing this shipping.

Part 4 discusses settlement of disputes, challenges for the European Union, using morality as a way to manage natural resources in the Arctic, protection of Arctic marine ecosystems, and Arctic Ocean regional governance. Parts 5 and 6 focus on different aspects of fisheries in the Northeast Atlantic and the Arctic Ocean and regional fisheries management. And, finally, Part 7 concentrates on related law of the sea issues, such as settlement of disputes, maritime security, and development of a three-stage approach in the juridical practice of maritime delimitation. It is not my intention to dwell upon these issues in my brief opening remarks. Instead, I will attempt to put the situation in the Arctic in a geopolitical perspective against the background of the latest developments.

One characteristic that I have noted during my engagement in the Arctic, in particular within the Arctic Governance Project³ and Arctic Frontiers,⁴ is that descriptions of the Arctic in the media are not always well-founded. There are often references to the Arctic as if it is “up for grabs” or a new Wild West.⁵ The

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2 During the conference, Satya Nandan was presented with Peaceful Order in the World’s Oceans: Essays in Honor of Satya N. Nandan, co-edited by Michael Lodge and Myron Nordquist, Martinus Nijhoff, 2014.
4 Arctic Frontiers is an international arena addressing development in the Arctic. The conference discusses how upcoming opportunities and challenges may be handled to ensure viable economic growth and societal and environmental sustainability. Annually the conference attracts more than 1000 participants from 25 Arctic and non-Arctic countries, representing science, business, politics, and civil society. The conference takes place in the Norwegian city of Tromsø, historically known as the Arctic Gateway. See http://www.arcticfrontiers.com/.
5 See, e.g., The Arctic Ocean up for Grabs by Laura Stackhouse in Inside View, 5 March 2014 available at http://readmt.com/analysis/article/2014/03/05/final-frontier-the-arctic-ocean-up-for-grabs/ and Militaries Know That The Arctic Is Melting—Here’s How They’re Taking