Strengthen Arctic Governance to Stop Russian and Chinese Overreach

Mark T. Vicik
ABSTRACT: This article argues shortfalls in the international institutions governing the Arctic have allowed Russia and China to expand control over the region. It provides an overview of regional governance and power dynamics, outlines a three-part approach to correcting deficiencies, highlights attempts by Russia and China to circumvent international governance, examines how the Arctic’s governing institutions address Russian and Chinese growth in the region, and focuses on the institutional failures that have allowed Russia and China to expand—failures academic scholarship and US policy have not adequately addressed. Practitioners will find specific steps for rectifying issues with Arctic institutions to support the United States’ interests in the region.

Keywords: Arctic governance, China, Russia, Arctic Council, UNCLOS

Since the fall of the Soviet Union, the Arctic has been deemed a bastion of peaceful international cooperation. Observers credit effective intergovernmental organizations and universally respected international agreements with maintaining this prolonged period of cooperation. Recently, however, global focus on the region has increased. A reduction in ice due to climate change has exposed the Arctic’s potential for resource extraction and commercial shipping. As the region’s strategic value has increased, the current “rules-based order” has become incapable of effectively safeguarding American interests.¹ A critical assessment of Russian activity over the past two decades demonstrates Moscow’s growing willingness to exploit weaknesses in international institutions to expand Russia’s military and economic control over the region. China has also manipulated international institutions to establish itself in the region. Washington’s reliance on the existing, rules-based order to maintain cooperation in the Arctic is insufficient. The institutions that regulate international politics in the Arctic now require critical updates to prevent the United States’ two primary geopolitical rivals from continuing to expand control in the region.

To safeguard its Arctic interests, the United States must develop more effective international institutions in the region. It must commit to establishing international consensus on the neutral status of Arctic shipping routes, establish a new forum in which to discuss and monitor economic and military activity in the region, and lead

the creation of a multilateral defense agreement in the Arctic that binds key regional allies in mutual defense against Russian and Chinese expansionism. This three-step approach would resolve critical gaps in Arctic governance and ensure the United States is prepared to protect its future interests as the Arctic region increasingly becomes a site for international competition.

**Arctic Governance**

A variety of organizations and agreements govern conduct between states in the Arctic, including the Arctic Coast Guard Forum (coordinates coast guard operations), the Svalbard Treaty (regulates activity on the Svalbard Islands), and the International Maritime Organization (standardizes maritime practices). However, the two most influential institutions in the region are the Arctic Council and the UN Convention on the Law of the Sea (UNCLOS).

The Arctic Council, initially formed by the 1996 Ottawa Declaration, brings together key Arctic players to discuss the major issues facing the region and develop cooperative solutions. The core of the Arctic Council is comprised of eight permanent Arctic state members: Canada, the Kingdom of Denmark (representing Greenland and the Faroe Islands), Finland, Iceland, Norway, Russia, Sweden, and the United States. These states have full deliberative and voting rights on all council activities, and chairmanship rotates between the permanent members every two years. The council also includes six representatives of Arctic indigenous groups as permanent participants (who can speak about issues but cannot vote) and 13 non-Arctic-state observers. China has participated as a non-Arctic-state observer since 2013. Key priorities include environmental protection, sustainable resource usage, and support to Arctic communities. Six working groups coordinate research and discussions on these key areas.

Since its inception, the Arctic Council has led Arctic governance and successfully promoted international cooperation on environmental protection and sustainable development. Despite these successes, the council’s governing capacity is limited due to significant gaps in the council’s ability to regulate commercial activity. Per the council’s charter, discussion of military activity is not authorized in the forum.² As economic and military interests increasingly form the foundation of Arctic strategies, the council’s inability to address these interests will decrease the organization’s effectiveness in regulating international conduct in the region.

In May 2008, the five Arctic littoral states—Canada, Denmark, Norway, Russia, and the United States—met in Ilulissat, Greenland, to agree upon a

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legal framework for governing the Arctic Ocean. In the resulting agreement, the Ilulissat Declaration, the signatories agreed to maintain peaceful cooperation in the region and resolve territorial disputes in the Arctic Ocean through the tenets of the UNCLOS. The treaty, signed in 1982, gives a country the legal right to exercise sovereignty up to 12 nautical miles off the country’s coastlines and rights to explore and exploit resources up to 200 miles off the continental shelf in an area referred to as an “exclusive economic zone.” A state can manage and extract resources beyond the 200-mile zone if the area is determined to be a natural continuation of the state’s continental shelf. A state must submit a claim to alter the internationally recognized continental-shelf limit to the UN Commission on the Limits of the Continental Shelf for approval.

Historically, UNCLOS has managed territorial disputes in the Arctic Ocean well enough to prevent major conflict in the region. As climate change reduces Arctic ice coverage and opens the region to increased commercial activity, unresolved territorial claims threaten regional peace. Multiple states have competing claims to expand their exclusive economic zones to include newly accessible, resource-rich sections of the Arctic seabed. Canada, Denmark, Norway, and Russia have overlapping claims for exclusive economic rights over the Lomonosov Ridge, a resource-rich, 1,100-mile underwater feature stretching across the Arctic Ocean, asserting the feature is part of the continental shelf. Additionally, both Canada and Russia claim the channels between the islands off their northern coastlines are “internal waters” and can be governed like sovereign territory.

Other states with interests in the region—particularly the United States—dispute this claim. Therefore, the critical question of whether key Arctic shipping routes—the Northwest Passage in Canada’s case and the Northeast Passage (also known as the Northern Sea Route) in Russia’s case—are international waters or sovereign territory remains unresolved. As Arctic territory becomes more strategically and commercially valuable, territorial disputes left unresolved by UNCLOS will continue to escalate tensions in the region.

Russia and China in the Arctic

The Arctic was a site of conflict between the United States and the Soviet Union throughout the Cold War. However, for the past three decades, strategic competition has given way to cooperation. Scholars often credit the effectiveness of the Arctic Council and the regimes built around UNCLOS for maintaining this peace; however, more critical analysis suggests this period of benign cooperation was primarily driven by the United States’ reduced focus on the region. As climate change makes the Arctic more accessible, the region’s strategic importance has become more apparent to American policymakers—especially as Russia and China routinely circumvent the international institutions that govern the Arctic to militarize and exploit the region economically.

Both Russia and China consider Arctic resources critical to continued economic growth in the coming decades. The two most sought-after resources are northern maritime shipping routes—specifically, the Northwest Passage over Canada and the Northern Sea Route north of Russia—and the newly accessible mineral and energy deposits beneath the melting Arctic ice.

With the largest Arctic territory of any state, Russia has always seen the region as foundational to its national identity, economic development, and defense policy. As a permanent member of the Arctic Council and a key player in most Arctic institutions, Russia has a history of sustained engagement with the international community in the region. Additionally, with an economy based on exporting raw materials, Russia has been a leader in locating and extracting oil, gas, and mineral deposits in its northern territories. The potential for economic exploitation has made the region, in the words of Russian President Vladimir Putin, the country’s “strategic reserve for the twenty-first century.”

Since 2001, Russia has expanded its military and economic presence in the Arctic to secure access to its resources. In 2008, Russia released the Principles of the State Policy of the Russian Federation in the Arctic until 2020 and Future Perspectives. This strategic document, begun as early as 2001, identifies as key priorities the use of the Arctic “as a strategic resource base,” “the use of the Northern Sea Route as a national unified transportation line of communications,” and the protection of the environment and preservation of peace in the region. In 2014, Putin announced the creation of the Northern Fleet Joint Strategic Command (now known as the Northern Military District) to coordinate the expansion of military activity throughout Russia’s northern territories. In March 2020, Putin issued

the Foundations of the Russian Federation State Policy in the Arctic for the Period Up to 2035. Though it reiterated many of the same policies as the 2008 document, the updated policy called for an even stronger focus on developing the Northern Sea Route and a commitment to combating “actions by foreign states . . . to obstruct the Russian Federation’s legitimate economic or other activities in the Arctic.” In the coming decade, Russian economic activity in the Arctic and the ensuing military buildup to protect it will continue to increase.

Although Russia relies on the Arctic primarily as a source of natural resources to export, China sees the region as the source of raw materials to process or consume domestically to fuel its continued economic growth. Additionally, Arctic shipping routes offer Beijing a potential method for transporting goods without having to move through the geopolitically sensitive and geographically restrictive Strait of Malacca. Lacking a historical presence in the region, China has rushed to build a cultural connection and legal right to access the region. In addition, China refers to itself as a “near-Arctic power,” thereby advancing a national narrative of China as the central element linking the Arctic and Antarctica and claiming a deep, historical connection to both poles. Chinese leaders seek to use scientific research to gain physical access to the region and a role in its governing institutions. In 2004, Beijing established the Arctic Yellow River Station on the Svalbard Islands, an international hub for scientific research that secured the country’s access to the region and strengthened its capacity to operate in polar conditions. In 2013, China leveraged its role in Arctic scientific research to gain observer status on the Arctic Council. Since then, Beijing has used its Arctic access and position in its governing institutions to lay the groundwork for economic exploitation of the region.

Russian and Chinese leaders have exhibited a growing ability to cooperate despite their differing Arctic aims. These leaders have developed a partnership based on a shared interest in building the infrastructure needed to access the region’s resources. Russian companies need investment from external sources to access deposits of liquified natural gas. China, which has money to invest but lacks Arctic territory in which to invest it, is partnering with Russia on major infrastructure projects, such as the Yamal LNG natural gas project. Joint Russian and Chinese efforts to extract Arctic resources make the region more commercially valuable to both countries.

To expand access to raw materials in the region, Russia and China have shown a willingness to exploit deficiencies and ambiguities in regimes that govern the Arctic. Beijing refers to the Arctic region, in addition to the deep seabed and outer space, as “res nullius,” or “no one’s property”—a region ungoverned by law and without defined territorial holdings. So far, China has been unwilling to disrupt international norms by taking steps unilaterally to extract Arctic resources, choosing instead to partner with Arctic powers such as Russia and Greenland on mining and drilling projects. Chinese leaders, however, continue to define the region as unregulated and free for economic activity. Chinese scientific activity increasingly focuses on preparing for the direct extraction of resources and conducting “assessments of polar oil and natural gas . . . to explore the possibilities and means for future use.” The country’s public disregard for the legal regimes governing the Arctic and its clear focus on building the scientific knowledge and technical familiarity needed to mine Arctic resources clearly illustrate Beijing’s intention to expand economic activity without regard for international institutions.

Russia has been more brazen than China in its disregard for the Arctic institutions. In 2001, Russia submitted to the UN Commission on the Limits of the Continental Shelf a claim for over 460,000 square miles of the disputed Lomonosov Ridge. The commission rejected the claim, citing significant gaps in Russia’s scientific justification. In 2007, with the territorial status of the ridge still undetermined, Russian leaders sent a submersible vehicle to the disputed territory to collect soil and water samples and, most controversially, to plant a metal Russian flag on the seabed. The event sent a clear message to foreign observers. Regardless of the rulings of international bodies, Russia would continue to operate in and claim ownership of the resource-rich territory.

In addition to broadening access to Arctic territory to extract resources, Chinese and Russian leaders seek to increase access to the region’s key transportation routes by expanding control over the Northern Sea Route. Capitalizing on the route’s legally ambiguous status under UNCLOS, Russia instituted a requirement for foreign vessels to be escorted by Russian icebreakers. The law allows Russia to monitor and control traffic directly through the Northern Sea Route and to profit from the fees levied on foreign vessels for this support. Despite the route’s disputed status under UNCLOS, Moscow’s willingness to institute

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18. Brady, _Polar Great Power_, 7, 57, 94.
21. Aliyev, _Russia’s Military Capabilities_.
these restrictions, and to exploit loopholes in Arctic governance has allowed the country to expand its control over the valuable commercial passageway.

In the spirit of viewing the Arctic as “no one’s property,” China has sought to gain control over shipping routes through massive investments in infrastructure. A 2018 Arctic white paper notes the creation of a Polar Silk Road through the Arctic as a key national aim. The project is part of Beijing’s larger Belt and Road Initiative to connect the country to emerging economic partners worldwide through massive infrastructure projects. The Polar Silk Road would develop the Northern Sea Route into a “blue economic passage linking China and Europe via the Arctic Ocean.”\(^ {23}\) Considering the Northern Sea Route to be under its sovereign control, Russia invited China to expand the Belt and Road Initiative into the Arctic to profit from the new source of infrastructure investment.\(^ {24}\) As it has elsewhere in the world, China has begun using this Belt and Road Initiative investment to expand its current political and economic capacity—and in the future, potentially, military capacity—in the region.\(^ {25}\)

Both Russian and Chinese leaders are committed to expanding access to raw materials and the use of Arctic maritime shipping routes and have taken steps to exploit the gaps in the Arctic’s governing regimes to secure control over these resources. Unless significant measures are developed to strengthen Arctic institutions, Russia and China will continue to expand their control over the region.

**A Plan to Strengthen Arctic Governance**

As Sino-Russian overreach in the Arctic has grown more flagrant, the United States has tried to draw international attention to the issue. For example, in 2019, then-Secretary of State Mike Pompeo attempted to call out Chinese incursion into the region, stating, “There are only Arctic States and Non-Arctic States. No third category exists, and claiming otherwise entitles China to exactly nothing.”\(^ {26}\) However, these sporadic, unilateral actions have not led to significant changes in Russian and Chinese activity. To maintain effective and enduring peace, the United States needs to spearhead a multilateral effort to strengthen the rules-based order in the region and to enable American leadership to work with strategic partners to identify and counteract the pattern of Sino-Russian expansionism.

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The United States must take three steps to improve Arctic governance and stymie Sino-Russian expansionism. First, it must lead an international effort to recognize the neutral status of the Northern Sea Route definitively, establishing a global norm Russia cannot restrict its use as a maritime transport route. Additionally, key players in the region should preemptively address future disputes by establishing a similar status for the not-yet-active Transpolar Sea Route through the center of the Arctic Ocean. The growing commercial viability of these Arctic maritime routes offers the potential for faster, safer, and more effective global transportation of goods. But Russia’s attempts to treat these routes as sovereign territory threaten the international community’s ability to realize their benefits fully. With UNCLOS unable to address this issue, the United States must step in and lead a new effort to define and regulate the Arctic shipping routes.

Second, the United States must create a new, international Arctic economic and security forum to take a leading role in the management of commercial and military developments in the region and fill gaps in the governing capacity of the Arctic Council. The council would remain a cornerstone of international cooperation in the region, but, based on its structure and established norms, the council is only capable of addressing “safe and noncontroversial issues.”

Upon assuming the chairmanship of the Arctic Council in 2021, Russia identified its primary goals as combating climate change, promoting sustainable development, supporting indigenous communities, and protecting biodiversity. The United States should support these commendable priorities. Conspicuously absent from Russia’s statement is any mention of the massive Sino-Russian infrastructure projects or increased attempts to control traffic through the Northern Sea Route that have come to define Russia’s activity in the region.

At the 2019 Arctic Council ministerial meeting, Pompeo received criticism for attempting to use the forum to voice concern about the threat Russian and Chinese activity in the region posed to American interests. The council’s obligation to maintain a cooperative spirit allows Russia and China to continue to support the organization while expanding their aggressive economic activity. Although the United States should continue to support the progressive, cooperative goals of the Arctic Council, the country needs a venue in which to discuss transparently, coordinate activity, and voice concerns about Russian and Chinese economic exploitation of the region.

As countries increase their military presence in the Arctic, the absence of a body in which to discuss international security matters becomes increasingly problematic. The Arctic Council’s charter bans any discussion of military issues within the forum. This shortfall is creating potentially destabilizing conditions. The dangers of this inability to coordinate on security matters were made clear in August 2020, when Alaskan fishermen, legally fishing within the United States’ exclusive economic zone, were buzzed by Russian aircraft and sent radio messages ordering them to relocate in an attempt to divert them from an ongoing naval exercise.\textsuperscript{30} The incident illustrated the need for an international forum to discuss, manage, and resolve issues related to military activity in the Arctic.

Presently, the Arctic Security Forces Roundtable is the primary organization that addresses international security issues in the region. This body unites key military leaders from seven Arctic and four non-Arctic states on a recurring basis to “exchange . . . information and [explore] the Arctic security and threat environment.”\textsuperscript{31} But, since 2014, Russia has been excluded from these discussions in response to its aggression in Crimea.\textsuperscript{32} This exclusion allows Russia to expand its military presence in the region without formal coordination with neighboring states—a dangerous and destabilizing trend.

In recent years, Arctic security experts have increasingly called for establishing an Arctic security forum that includes Russia as a permanent member.\textsuperscript{33} This expanded security forum should be established in conjunction with a new economic forum to be most effective. Therefore, the forum could address large-scale economic activity and the increased militarization of the region—the two major sources of tension the Arctic Council cannot manage. At a minimum, such an organization needs to meet annually and include the eight Arctic states (Canada, Finland, Greenland, Iceland, Norway, Russia, Sweden, and the United States). Key non-Arctic states should be invited in a limited capacity to participate in discussions on matters pertinent to the states’ interests. For instance, China should be invited to discussions on Chinese-funded infrastructure projects in the region.

Whereas the Arctic Council provides a venue where states can establish consensus on key environmental and human development goals, this forum would

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allow states to present their military and economic strategies in the region to solicit assistance. The United States must develop a new multinational security agreement among allied and partnered states in the region to monitor Russian and Chinese threats and coordinate policies to address the threats.

Recently, NATO has attempted to fill this role. Following the 2016 Warsaw summit, NATO released a communiqué that focused on strengthening the ability to “deter and defend” against threats to the North Atlantic. But the communiqué stopped short of articulating a comprehensive policy on Arctic security.34 Many scholars and policymakers hope NATO can unite to mount a credible deterrence in the north, but using the organization as the primary tool for securing American interests in the Arctic appears unlikely and inadvisable. Of the 30 countries in NATO, only five, including the United States, are Arctic states. Many non-Arctic members, particularly those in Southern and Eastern Europe, have routinely shown little interest in committing resources to Arctic security matters.35 Even if NATO could develop an Arctic policy, the significant differences in security concerns between member states would leave the alliance inflexible and slow to respond to Arctic security issues.

To best serve US security interests in the Arctic, Washington should develop a new northern security alliance modeled after North American Aerospace Defense Command that extended to European partners and allies. The alliance would focus on coordinated monitoring of foreign military activity in the Arctic and intelligence sharing and focus on detecting and sharing intelligence on offensive cyberwarfare operations and other gray-zone operations that have become Russia’s trademark in Eastern Europe. Maintaining the ability to mount a credible defense against Russian and Chinese expansion without unnecessarily escalating military tension in the region is foundational to American security in the Arctic. An alliance like the North American Aerospace Defense Command, which focuses on collective monitoring and coordination of military capabilities, would be most effective at striking this balance.

This northern security alliance would include NATO Arctic states, such as Denmark and Norway, and non-NATO partner states with a shared concern over Russian activity in the region, such as Finland and Sweden. Participation could also be offered to non-Arctic NATO states with genuine security interests in the region, such as the United Kingdom, which has strategic interests based on its position in the Greenland-Iceland-United Kingdom gap, one of the key entry points into Arctic waters. A small, focused

northern security alliance would be much more flexible than NATO in countering Russian coercive activity in the region. With a focus primarily on monitoring naval and air activity and intelligence sharing, such an alliance would be less threatening to Russian leadership than an expansion of NATO into the region. The three steps outlined in this article would fill the critical gaps in international institutions in the region and ensure a more stable, rules-based order.

Conclusion

Official Russian and Chinese policy documents outlining Arctic strategies still identify cooperation and respect for international governance as key priorities in the region. But these nations’ actions over the past two decades have not matched their rhetoric. Both Russia and China are making deliberate attempts to exploit loopholes in the region’s governing regimes, specifically those related to UNCLOS and the authority of the Arctic Council, to expand Sino-Russian access to Arctic resources and shipping routes. To deter Sino-Russian expansionism in the region, the United States must strengthen the international institutions in the Arctic. The three key areas requiring American attention are the territorial status of Arctic shipping routes, a lack of coordination on economic and military matters between Arctic states, and the ineffectiveness of collective security agreements in the region. These areas of focus offer the best initial steps for the United States to secure its interests in the region more effectively.

Along with its allies and partners, the United States relies on access to the Arctic for transportation, scientific research, and regulated economic activity conducted in accordance with international law. Additionally, the United States is not obligated to secure its population in the high north from negative influences from foreign states. As Russia and China continue to exploit, control, and restrict access to the region, protecting these interests will become increasingly difficult for the United States. The United States must lead an international effort to correct these shortfalls in the Arctic’s governing regimes as quickly as possible. The longer the United States allows its adversaries to circumvent the rules-based international order in support of their expansionist policies, the more difficult maintaining a cooperative and peaceful Arctic in the future will become.
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