

Background Guide
United Nations Environment Programme
Development of an Arctic Treaty System



I. Introduction to the Committee

Headquartered in Nairobi, Kenya, the United Nations Environment Programme is the world's premier organization addressing the environmental elements of the United Nations' Sustainable Development Goals.¹ Created in 1972 as a result of the Declaration of the United Nations Conference on the Human Environment, the UNEP has served a central role in setting global climate policy and addressing environmental issues for fifty years.

The UNEP is mandated "To provide general policy guidance for the direction and co-ordination of environmental programmes within the United Nations system" and "to keep under review the world environmental situation in order to ensure that emerging environmental problems of wide international significance receive appropriate and adequate consideration by Governments."² Reflecting its commitment to global cooperation, the UNEP's Environmental Assembly seats representatives from all 193 United Nations member states. The Environmental Assembly serves as a forum for the discussion of existing and emergent matters of environmental concern. It is also the primary body through which international environmental agreements are made, and as such the UNEP is of immense importance to the creation of international law pertaining to the natural world.

II. Statement of the Issues

The extreme north and south of Earth are some of the most inhospitable places on the planet for human beings. The polar areas do not treat humankind well; they are difficult to live and thrive in, and have generally been considered non-issues over the course of the last eight decades. The Arctic in particular has been an "an area of high north, low tension" as far as security concerns go.³ Issues of state sovereignty, resource acquisition, and transit have been mostly ignored by the international community, as Arctic ice has prohibited most travel through the High Arctic until only recently.

Today, the issue of the Arctic is fundamentally one of climate change and its effects on the environment. Over the past several decades, climate change has had an extremely negative effect on the extent of Arctic ice coverage, with an all-time low of 14.41 million km² in March of 2017.⁴ Sea ice reflects heat back into space, whereas the ocean absorbs it and becomes warmer as a result. As sea ice continues to melt, less and less sunlight will be reflected which will in turn result in an increasing ocean temperature, leading the ice to melt more rapidly. This does and will continue to negatively impact the Arctic ecosystem, and may eventually lead to severe coastal erosion.⁵

¹ United Nations Environment Programme, "About UN Environment Programme," UNEP (United Nations Environment Programme), accessed August 30, 2022, <https://www.unep.org/about-un-environment>.

² United Nations. General Assembly Resolution 2997 (XXVII), *Institutional and financial arrangements for international environmental cooperation*.

³ Marc Lanteigne, "The Changing Shape of Arctic Security," NATO Review (NATO Review, June 28, 2019), <https://www.nato.int/docu/review/articles/2019/06/28/the-changing-shape-of-arctic-security/index.html>.

⁴ National Snow and Ice Data Center, "Arctic Sea Ice Maximum at Tenth Lowest in Satellite Record," NSIDC Arctic News and Analysis RSS (University of Colorado Boulder, March 22, 2022).

⁵ Michon Scott et al., "Sea Ice," NASA Earth Observatory (NASA, September 16, 2016), <https://earthobservatory.nasa.gov/features/SeaIce>.

Decreasing ice coverage over time will continue to make the Arctic more and more accessible with every passing year. This in turn opens the region to human use for a variety of purposes, chief of which is perhaps the acquisition of the multitude of material goods which are located here. These include oil, natural gas, minerals, and fish, all of which stand to become the foundation of very lucrative business in the future. The United States Geological Survey has estimated that 22 percent of the world's hydrocarbon reserves are located in the Arctic, which may prove to tempt expansion as these and other materials become more easily accessible.⁶

This economic potential is one of the many reasons that the Arctic has captured the attention of the international community. However, this would not be without extreme effects on the fragile polar environment and the indigenous people who rely on it. Fauna that rely on polar ice—such as seals, Arctic foxes, and polar bears—are already experiencing loss of habitat and food sources due to the melting of ice.⁷ Those people groups indigenous to the Arctic also face immediate threats from climate change, including those to their settlements, food sources, locations of cultural importance, and their traditional way of life.⁸

It is clear that the already-fragile Arctic is in danger of being completely destroyed by continued climate change and the threat of unchecked human activities in the region. As per the United Nations Environment Programme's mandate, the Environmental Assembly is tasked with addressing these concerns through establishing the foundations of an international treaty system.

III. History & Recent Developments

Historically, the Arctic has been hostile to any attempt at exploration. Norwegian explorer Roald Amundsen led the first successful transit of the Northwest Passage through Canada between 1903 and 1906, although the route remained covered in ice.⁹ As a result, the Arctic has not been as broadly interesting to the international community as it is becoming in the 21st century.

This is not to say that international law concerning the Arctic is sparse—far from it, in fact—though it is largely decentralized in nature. There are some international agreements that are applicable to or that directly regard the Arctic. The United Nations Convention on the Law of the Sea (UNCLOS) and the International Code for Ships Operating in Polar Waters (the “Polar Code”) are the two primary United Nations documents that apply to the Arctic. Among other things, the UNCLOS concerns how and where a state's sovereignty applies to the waters beyond its coastline.¹⁰ The Polar Code specifically dictates

⁶ U.S. Congress, Senate, Committee on Appropriations, *Strategic Importance of the Arctic in U.S. Policy*, 111th Cong., 1st sess., 2009.

⁷ *Melting Ice: Impacts on Animals and People (Part 4)*, Ocean Today (National Oceanic and Atmospheric Administration), accessed September 24, 2022.

⁸ Shaugn Coggins et al., “Indigenous Peoples and Climate Justice in the Arctic,” *Georgetown Journal of International Affairs* (Georgetown University, February 24, 2021).

⁹ “Roald Amundsen North-West Passage Expedition 1903–06.” Royal Museums Greenwich. Royal Museums Greenwich, October 21, 2019.

¹⁰ United Nations, *United Nations Convention on the Law of the Sea*, signed December 10, 1982, 23-26.

standards for the design, maintenance, operation; to a lesser extent, it describes concerns regarding environmental protection practices of ships meant for polar shipping.¹¹

Most treaties that concern the environmental protection and thoughtful use of the Arctic are the result of bi- or multilateral agreements formed outside of the United Nations system, more often than not led by the Arctic Council. The Arctic Council was formed in 1996 by Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden, and the United States, and has been instrumental in creating agreements pertaining to the scientific use and protection of the Arctic environment since its inception. The Kiruna Declaration of 2013 reaffirmed the Council's dedication to the three areas of improving economic and social conditions, acting on climate change, and protecting the environment as they pertain to the Arctic.¹² The very same day, the Arctic Council introduced the Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic (MOSPA Agreement), establishing binding standards for the prevention of and response to oil pollution incidents.¹³ More recently in 2018, the Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean came into force. While the Agreement notes that fishing is not currently a concern given that ice coverage still makes it extraordinarily difficult if not impossible, it is not unlikely that overfishing may become an issue in the future when taking into account the changing Arctic environment.¹⁴

The Arctic Council's founding document goes so far as to outright state that the organization "should not deal with matters of military security," instead focusing on scientific research and issues of resource protection and management.¹⁵ As the Arctic continues to open, security concerns grow in importance for Arctic states. In the past several years, the Russian government has developed a military presence in the Arctic which aims to "enhance homeland defense... secure [its] economic future; and create a staging ground to project power."¹⁶ Canada and the United States continue to engage in multinational military exercises to maintain Arctic readiness, such the well-established ICEX.¹⁷ NATO in general has a vested interest in the Arctic, which is "a gateway to the Atlantic, hosting vital trade, transport and communication links between North America and Europe."¹⁸ These rising tensions increase the risk of military confrontation in the Arctic as well as further disturbance to the Arctic ecosystem.

¹¹ International Maritime Organization. *International Code for Ships Operating in Polar Waters*. Adopted 2014.

¹² Arctic Council. *Kiruna Declaration*. May 15, 2013.

¹³ Arctic Council. *Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic*. May 15, 2013.

¹⁴ "Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean." Signed on October 3, 2018.

¹⁵ "Declaration on the Establishment of the Arctic Council." Opened for signature December 3, 1997.

¹⁶ Matthew Melino and Heather A. Conley, "The Ice Curtain: Russia's Arctic Military Presence," Center for Strategic and International Studies (Carnegie Endowment for International Peace, March 26, 2020).

¹⁷ "Arctic Security: Canadian Armed Forces Exercise Alongside U.S. Allies." Government of Canada. Government of Canada, February 28, 2022. National Defense.

¹⁸ Jens Stoltenberg, "NATO Is Stepping up in the High North to Keep Our People Safe," NATO (NATO, August 25, 2022).

IV. Problems That Resolutions Should Address

Resolutions should focus on creating a framework for the further establishment of international law regarding the use and protection of the Arctic environment pursuant to the UNEP's mission. To that end, delegates should consider the following:

- The potential benefits of using the Arctic for the purposes of commerce and resource acquisition.
- How best to protect and manage the myriad of Arctic resources against overutilization.
- The rights of Arctic indigenous peoples who rely on the fragile ecosystem for their well-being and the obligations of Arctic states to those peoples.
- Military presence in the Arctic in the form of bases and deployments.
- The place of non-United Nations organizations with a vested interest in the Arctic in the creation and enforcement of an Arctic treaty system.

V. Helpful Sources & Further Reading

- The Antarctic Treaty System, for reference as to what international treaties regarding polar territories may be like.
- The 28th Edition of the UNEP's Foresight Brief, for more information on how climate change affects the Arctic: <https://wedocs.unep.org/bitstream/handle/20.500.11822/38414/FB028.pdf>.
- The United Nations Convention on the Law of the Sea (UNCLOS), to gain an understanding of the rules of international maritime law.

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