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FOCUSING ARCTIC POLICY:

BUILDING AND CHALLENGING IN THE NORTH

by

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Biography

Lt Col Kincaid holds an undergraduate degree in history and Master ’s Degrees in Aeronautical Science from Embry Riddle Aeronautical University and Military Operational Art and Science from Air University. He is a command pilot with over 3,200 hours, including 250 combat hours in airlift and tanker aircraft, and has participated in numerous combat, contingency and humanitarian operations around the world. He commanded the 36th Airlift Squadron, Yokota Airbase, Japan as well as a forward deployed C-130 Airlift Squadron in Southwest Asia. During his staff tour, Lt Col Kincaid worked as an Air Force Legislative Liaison to the U.S. House of Representatives.

Abstract

Rising global temperatures are contributing to unprecedented recession of Arctic sea ice. This environment is providing new opportunities for Arctic development and, more importantly, access to Arctic sea lanes that were previously of limited utility. As Arctic waterways open, the U.S. must ensure full access to these global commons in order to bolster its own economic prosperity and support the global economic system. Disputes over appropriate use of Arctic resources and waterways are most likely to erupt between the three major Arctic powers – the United States, Canada and Russia. Canada and Russia have made excessive claims in Arctic waters, designating the Northwest and Northeast Passages as sovereign areas. In order to delegitimize these claims and protect its Arctic interests, the U.S. must take coordinated diplomatic, economic, and military action. First, the U.S. should develop an interagency office for Arctic issues to coordinate its Arctic policy and implement actions directed by National Security Policy Directive 66. It should take a measured approach to the United Nations Convention on the Law of the Seas, understanding its impacts on U.S. Arctic and global interests. It should strengthen the Arctic regime by participating fully in the Arctic Council while investigating other institutional options for issues beyond the Council's charter. Economically, the U.S. should research deep water port options in Alaska, cooperate on development of Canadian and Russian ports, and investigate joint development of icebreaking vessels. Militarily, it should develop SAR capabilities and bases with Canada and Russia, and improve military to military contact. Finally, if required, the U.S. should execute freedom of navigation missions to guarantee continued access to Arctic international waterways. Only with a coordinated use of the instruments of power to build Arctic capacity and challenge excessive claims, will the U.S. be able to protect its interests and establish an effective Arctic regime.

In 1969 a U.S. flagged tanker named the *S.S. Manhattan* was retrofitted for operations in polar ice. In August of that year, the *Manhattan* travelled from the East Coast of the United States to Prudhoe Bay, Alaska and back. The cargo was unremarkable -- a single, ceremonial barrel of oil loaded at Prudhoe -- but the route it took was both remarkable and controversial. The *Manhattan* was the first modern commercial vessel to successfully travel the route commonly known as the Northwest Passage (NWP).[1] In doing so, it opened what can be considered the modern chapter in Arctic history and, by travelling through waters claimed by Canada, it sparked the contentious issue of Arctic sovereignty. Now over 40 years later, the controversy spurred by the voyage of the *Manhattan* has taken on greater import. Global warming has reduced the Arctic ice cover, making the Arctic sea lanes a more viable and possibly cheaper means of global oceanic transport. This opening of Arctic access and the subsequent dash to claim Arctic territory has made the Arctic a region of possible conflict with allies as well as competitors, as they attempt to assert their rights over Arctic areas for economic and security concerns.

As an Arctic nation, the U.S. also has economic and security interests in the Arctic that it must protect. In order to strengthen its position in the Arctic, protect U.S. interests, secure the global interest of access to international sea lanes and reduce the risk of conflict in the Arctic, the U.S. needs to take positive action by building international Arctic regimes and capacity, and challenging Arctic claims that impede free access to the global commons. Specifically, the U.S. needs to engage its closest neighbors and Arctic competitors, Canada and Russia, in a coordinated, multi-disciplinary approach in order to promote the appropriate use of and access to Arctic resources and waterways. By cooperating economically, all three can build interdependence, improve Arctic economic capacity and ensure access to the Arctic global

commons. Diplomatic efforts can strengthen Arctic governance, regulation and opportunities for mutually beneficial, multilateral action. New ideas in military cooperation can reduce tensions and share costs while improving national security and Arctic operational capability. However, the U.S. must also be prepared to defend its Arctic rights and challenge excessive Arctic claims (i.e. those that exceed the guidelines established by the UN Convention on Law of the Seas). The complexity of the Arctic environment, politically and environmentally, requires a multi-dimensional approach that cannot be developed by a single department within the U.S. government. If the U.S. plans to be serious about the Arctic it should stand up an interdepartmental coordination office to coordinate the national response to Arctic issues. By using all the national instruments of power within a build and challenge framework, the U.S. can promote the Arctic interests of all nations while strengthening Arctic regimes and improving capacity.

The Environment

The Arctic encompasses over 30 million square km, 80 percent of which is open or ice covered sea, and contains over one sixth of the world's land mass.[2] The majority of the land mass is within the borders of the three major Arctic nations: Canada, Russia and the United States. Although technically "the Arctic" is defined cartographically as the land and water above 66 degrees 33 minutes North latitude, different "Arctic areas" are identified by the U.N. Arctic Human Development Project (AHDR), the Arctic Monitoring and Assessment Programme (AMAP), and each individual country. Canada for example identifies three subdivisions of Arctic areas of concern under the heading of "the North."[3]

Figure 1

Arctic Boundaries Map. Source: http://www.arctic-council.org/images/maps/boundaries.pdf

During the Cold War, the Arctic was strategically important due to its proximity to the Soviet Union. It was a critical basing area for early warning equipment, the expected route for nuclear bombers and the planned launch area for submarine launched ballistic missiles from both sides. After the Soviet Union collapsed in 1991, and then for nearly two decades, Arctic strategic and security concerns waned and it was not a major focus area for the three major

Arctic powers. The extreme latitude, difficult environmental conditions, remoteness and lack of infrastructure made economic development of the Arctic extremely difficult. Although the Russian Arctic is generally better developed than that of the U.S. or Canada, other than onshore hydrocarbon extraction and mining, interest and development in the Arctic was low following the end of the Cold War.[4] However, that situation changed recently as Arctic nations began to recognize the impact of melting polar ice on access to Arctic natural resources and waterways.

The reality of climate change is now the major driver in the acceleration of Arctic policy. The Arctic region is believed to be warming up to three times faster than the rest of the globe.[5] [6] As the Arctic ice continues to melt in greater quantity and for longer periods of time, Arctic waterways will become more passable, especially in the summer, presenting fewer obstacles to development of Arctic oceanic resources and opening up access for shipping through the major Arctic sea lanes.

As Arctic ice continues to recede seasonally and diminish annually, the Arctic's mineral resources will be more accessible to Arctic nations. Estimates vary, but it is suspected that up to 50 billion barrels of oil and over 1000 trillion cubic feet of natural gas are untapped in the Arctic.[7] This oil alone is over 70 times the current U.S. Strategic Petroleum Reserve inventory – almost a 6 year supply for the U.S.[8] Additionally, vast deposits of nickel, copper, titanium and other important minerals have already been proven in the Russian Arctic and likely exist throughout the greater Arctic region.[9] Deposits of these strategic minerals may also lie in the now more accessible Arctic sea bed areas and have led to increased exploration by the Russians and others. While experts disagree on how viable these economic opportunities are based on currently available technologies, demand and price, there is wide consensus that interest in the

use of Arctic shipping routes will continue to grow as polar ice recedes and Arctic sea lanes are ice free a greater percentage of the time.[10]

Greater mobility through Arctic sea lanes is one of the major features of the developing Arctic environment. In 2007 over one million more square km of Arctic ice melted than in the previous record low year (2005) and the NWP was ice free for the first time in human memory.[11] In the summer of 2009, two German commercial vessels departed Korea in July and successfully transited the Northern Sea Route (i.e. Northeast Passage or NEP) to Europe.[12] Polar sea ice is expected to rapidly melt in the future and estimates for having open Northwest and Northeast Passages during the summer months range from 2030 to as early as 2013.[13] Experts state that a trip from Yokohama to Rotterdam can be shortened by as much as 4000 miles,[14] saving 10 days and approximately $300,000.[15] The use of Arctic sea lanes, specifically the NWP and NEP are critical to overall Arctic development, are a primary U.S. interest in the Arctic and figure prominently in U.S. policy statements.

U.S. Interests

The burgeoning Arctic opportunities and their pursuit by other global actors led the U.S. to more closely consider and clarify its Arctic policies and interests. The 2010 National Security Strategy only addresses U.S. Arctic concerns in broad terms, acknowledging the U.S. as an Arctic Nation with fundamental interests in the region.[16] However, the Obama administration is still pursuing Arctic policy based on the Bush administration's National Security Policy Directive (NSPD) 66 "Arctic Region Policy" of January 2009, which more clearly elucidates the background, U.S. interests and policy approach in the Arctic. Whereas the 2010 NSS acknowledges Freedom of the Seas and the Arctic as priorities, NSPD 66 identifies them as security interests, links them together and specifically addresses the Arctic sea lanes:

> Freedom of the seas is a top national priority. The Northwest Passage is a strait used for international navigation, and the Northern Sea Route includes straits used for international navigation; the regime of transit passage applies to passage through those straits. Preserving the rights and duties relating to navigation and overflight in the Arctic region supports our ability to exercise these rights throughout the world, including through strategic straits.[17]

In order to protect freedom of the seas and other Arctic interests, it goes on to direct the Secretaries of State, Defense and Homeland Security to coordinate on and accomplish specific tasks: develop greater Arctic capabilities and capacities, increase Arctic maritime domain awareness, preserve the global mobility of U.S. military and civilian vessels and project sovereign United States maritime presence in the Arctic.[18] Not only do these priorities improve the United States' Arctic position, they also open up opportunities for cooperation with Russia and Canada within the construct of two major international institutions that support the Arctic regime.

<u>The Construct</u>

Political scientist and Arctic expert Oran Young defines a regime as, "sets of rules, decisionmaking (sic) procedures and programs that define social practices." [19] Eight nations are recognized as Arctic nations and five of them have Arctic coastlines. As a group, they are all members of a specifically Arctic organization called the Arctic Council, one of two institutions that have impact on the Arctic regime and the one that is more easily able to transform in order to better support the needs of the Arctic nations.

The Arctic Council was formed in 1996 with the Ottawa Declaration, representing the Eight Arctic states – Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden and the U.S. – and six permanent bodies representing Arctic indigenous peoples. It serves as a forum for cooperation, coordination and interaction among the members, disseminates information about the Arctic and oversees Arctic environmental and emergency

response issues.[20] Its charter specifically states that the Council should not deal with military security.[21] The two most important agreements by Arctic Council members have been the Agreement on Arctic Search and Rescue (SAR) and the Ilulissat Declaration. The Arctic SAR agreement was the first major agreement signed by Arctic Council members. It strengthens Arctic SAR by streamlining the notification and response process, including entry into sovereign territory.[22] More importantly, it lays the foundation for possible further military cooperation between members. The Ilulissat declaration was a pseudo Arctic Council agreement signed by the five Arctic coastal states: Canada, Denmark, Norway, Russia and the U.S., outside the auspices of the Council. It served two purposes. Ilulissat's stated purpose was to reaffirm the parties' commitment to the United Nations Convention on the Law of the Sea (UNCLOS) and reject establishment of any new bodies or legal regimes to specifically govern the Arctic Ocean.[23] Its unintended purpose was to cause Arctic Council members to recognize that issues and interests may exist which all members of the Arctic Council cannot or do not wish to deal with under the original charter or are specific to smaller groups within the Council (such as the coastal states). Ilulissat thereby opened up the possibility for the development of smaller interest related groups within the Council or other evolution in the Arctic regime.

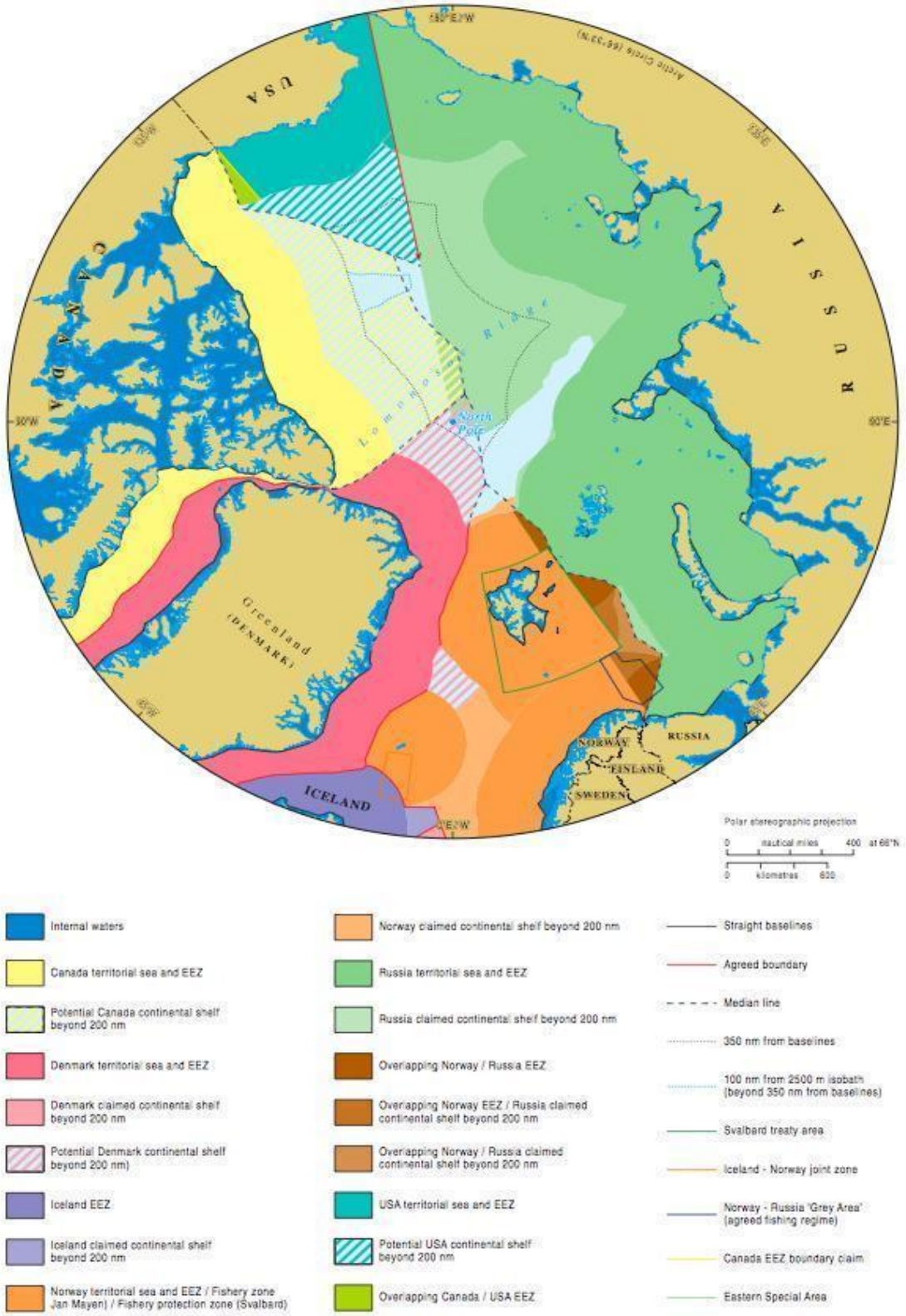
UNCLOS is the second major portion of the Arctic regime and, because of its global applicability, its provisions are critically important to freedom of the seas in general and the Arctic specifically. The area above the Arctic Circle is 80 percent water and UNCLOS is the treaty framework under which those waters will be used by Arctic and non-Arctic nations alike. The U.S. signed the UNCLOS in 1994, but it remains unratified by the Senate. NSPD 66, the current administration and the U.S. Navy have recommended accession and view it as vital to the U.S.'s ability to pursue its Arctic interests. The U.S. was intimately involved in the crafting of

the convention's navigation and freedom of the seas provisions and, although unratified, adheres to them all. The articles which affect the Arctic waters concern definitions of territorial seas, internal waterways, international straits and seabed extensions of the continental shelf. For U.S. Arctic interests, the most important aspects of both the UNCLOS and the customary law of the sea on which it is based are the definitions and establishment of international waterways. The potential for conflict in the Arctic is great because despite being signatories to UNCLOS, Canada and Russia have both made excessive sovereign territorial claims over ocean areas the United States considers international and which are critical to the use and development of the Arctic.

The Conflict

Canada and Russia not only share the Arctic region, but also share the distinction of having two areas of conflict with the U.S. – both dispute a shared oceanic boundary and consider a major Arctic sea lane as sovereign waters. Canada disputes the boundary of the Beaufort Sea and claims the NWP as internal waters. Russia is having second thoughts about the 1990 USA-Russia Maritime Boundary Treaty (covering the Bering Sea and still not ratified by the Duma) and claims the NEP as internal waters.

Figure 2



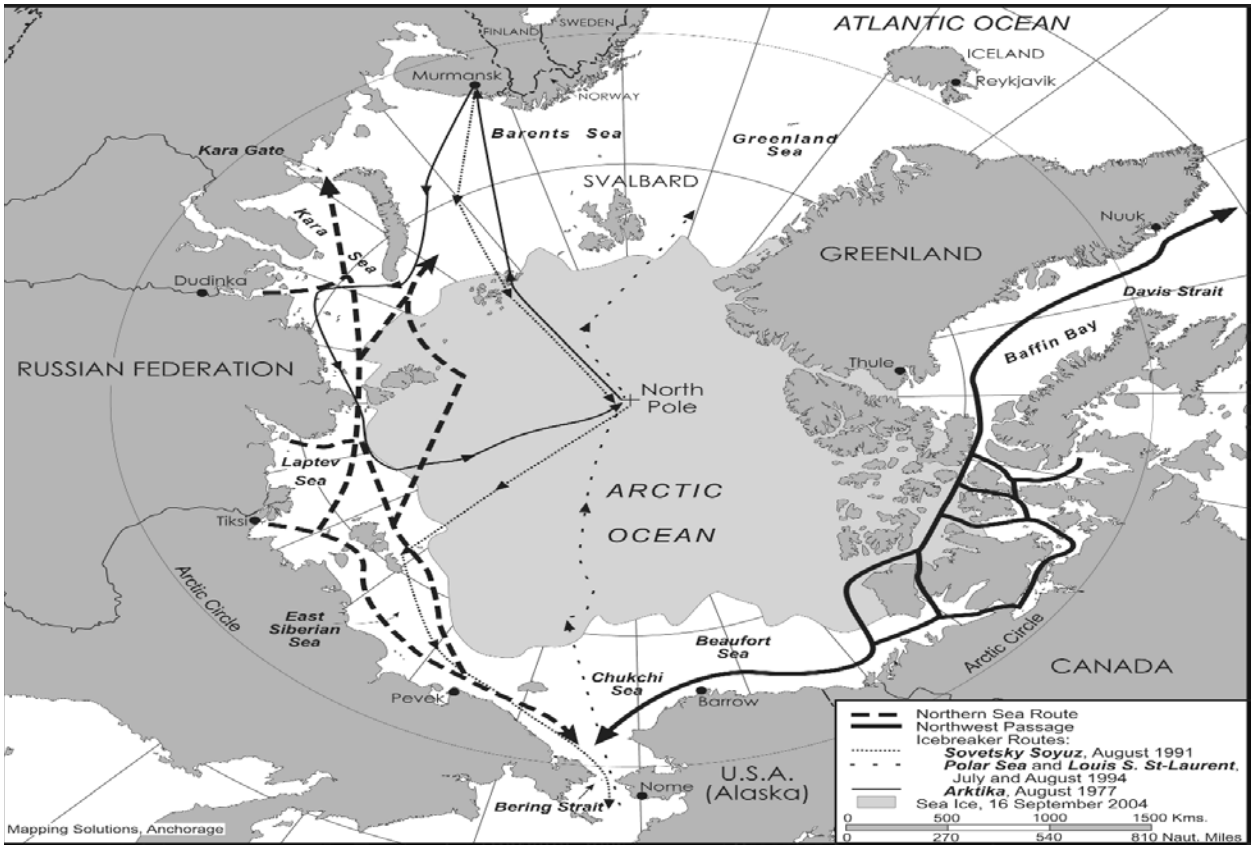
Map of Disputed Arctic Areas. Source: *Science Daily*, 5 Aug 2008, http://www.sciencedaily.com/releases/2008/08/080805192723.htm

The NWP begins in Baffin Bay, passes through several straits in the Canadian Archipelago and ends in the Beaufort Sea, a distance of about 900 miles. All its straits are over 24 miles wide and would be passable under the right of transit passage according to both customary law of the seas and UNCLOS. However, Canada has drawn a series of boundaries, according to their interpretation of UNCLOS, which effectively creates a national boundary around the NWP. The U.S. disputed this claim to the Canadian government and served global notice via Department of State (DoS) release.[24] Canada continues to assert its claims to this area even after acceding to UNCLOS and has taken steps to strengthen its claim over the NWP by using military exercises, "Arctic sovereignty patrols," and changing the name in Canadian government literature to "Canadian Internal Waters."[25] In addition to protesting the *S.S. Manhattan*, they have also protested the transit of the NWP by the *USCGS Polar Sea* in 1985 and the *suspected* violation by the nuclear submarine *USS Charlotte* which surfaced at the North Pole in 2007. To date, Canada has not attempted to stop, turn back or reroute any U.S. vessels attempting to transit the NWP, but is requiring prior permission for transit and has set up a customs duties station near Nanisivik.

Russia takes a similar position with regard to what they call the Northern Sea Route, historically referred to as the Northeast Passage (NEP). This international route begins in the Barents Sea, passes through the Kara and Laptev Seas and terminates approximately 3,000 miles later in the East Siberian Sea. Again, this route passes through areas that allow for transit passage under UNCLOS, but Russia has continued to define the NEP as "historic waters," or those over which the state has historically exercised sovereignty. The U.S. sent research vessels into the NEP in 1964 and 1986, but they were blocked from further passage by Soviet Navy vessels. The U.S. lodged official complaints with the Soviet Embassy and published the protest

in official DoS communications.[26] The NEP has taken on further significance because it has been ice free to a greater extent than the NWP. It was transited for the first time by large commercial vessels in 2009, but Russia required the vessels to onload Russian ice pilots to guide the ships and pay large fees for passage through "territorial waters," stipulations that do not necessarily conform to the U.S. conception of freedom of the seas.[27]

Figure 3



Map of Northwest and Northeast Passages. Source: Institute of the North, U.S. Arctic Research Commission, and International Arctic Science Committee. *Arctic Marine Transport Workshop 28-30 September 2004.*

The Arctic Approach – Build and Challenge.

While the new Arctic environment presents the risk of conflict, it also offers the opportunity for cooperation and growth while promoting U.S. interests. In order to successfully solve Arctic sovereignty and interest conflicts, the U.S. must take action in several areas using a two-step approach to 1) build institutions and capacity, and 2) challenge excessive oceanic claims. The U.S. can exercise these options incrementally to reduce risk while simultaneously improving its Arctic posture.

The first area for institution building is domestic. The U.S. must assess its own Arctic institutions and establish bodies to give focus to Arctic concerns and operationalize Arctic policies outlined in NSPD 66. A major step was taken in April 2011 when the Arctic was recognized in the Unified Command Plan. The new plan splits responsibility for the Arctic between EUCOM and NORTHCOM, with NORTHCOM designated as the advocate for Arctic issues.[28] While this mostly settled the question of Arctic COCOM responsibility, it stopped short of the level of coordination and action demanded by NSPD 66.[29] Other than the DoS involvement in the Arctic Council, overall U.S. departmental focus and coordination on Arctic issues is lacking. In order to effectively establish a whole of government approach, much like Canada's,[30] the U.S. must establish and fund a joint interagency office of the Arctic with representatives from all U.S. departments and agencies with Arctic and Arctic related interests. Although always tempting due to its large budget, the Department of Defense (DoD) should not be the lead agency. Arctic interests go beyond purely defense issues and as human activity increases, diplomacy and economic development will assume greater importance, thus making the DoS a better choice to head this office. Additionally, this Arctic Interagency Office should designate the U.S. Navy as lead DoD agency due to the nature of the Arctic environment and the

primacy of oceanic interests in the area. Additionally, Navy lead agency will enable Task Force Climate Change (TFCC) to actively participate in the development of U.S. Arctic strategy. TFCC was constituted in 2009 in response to NSPD 66, developed the Navy's Arctic strategy and is well ahead of other U.S. agencies in their consideration of Arctic issues. Their work is a solid foundation for building a whole of government Arctic framework for the U.S.[31]

Building economic ties in the Arctic with Russia and Canada will strengthen Arctic capacity and help reduce tensions in the Arctic while sharing costs on capital intensive infrastructure. One area for cooperation is the investigation and development of Arctic deep-water ports. Currently only Russia has a deep-water port in the Arctic (Murmansk). Canada announced development of a deep-water port at Nanisivik in 2007, with construction planned to begin in 2011 and operations in 2015, but the project has been delayed for at least two years.[32] Similarly, the U.S. is only exploring Arctic deep-water port possibilities and it will be years before any construction begins.[33] By sharing experience and costs in port development and route planning, all three countries could accelerate the development of Arctic ports and benefit more quickly from these facilities.

Another opportunity for mutual benefit is training in ice breaker operations and polar navigation. The Russians are truly the experts in this area. Russian sailors have been navigating the NEP in ice conditions for close to 70 years. Russia has the world's largest and most powerful icebreaker fleet including the world's only seven nuclear powered icebreakers.[34] However, their fleet has been deteriorating since 1992 and all but one vessel will be decommissioned by 2020.[35] Canada has six polar capable icebreakers and the U.S. has only three, one of which is in dry dock and another scheduled for decommissioning.[36] The U.S. cannot hope to be ready for expanded Arctic seagoing operations if it does not have crews

trained in ice operations. With such a small number of icebreakers, training with the Russians will allow U.S. crews to operate safely in the northern passages when the opportunity arises and obviate the need for foreign ice pilots on U.S. vessels, thereby strengthening U.S. freedom of action in the Arctic waterways.

Construction of the icebreakers themselves is extremely capital intensive and cooperation among the Arctic states may be required. In 2011 the U.S. decided to refit one icebreaker, retire another and study ice-breaking requirements in 2012 (leaving a single medium icebreaker in operation).[37] In 2007, Canada recognized a gap in its icebreaking capability and made plans to construct up to nine new icebreakers (only one of which is a heavy icebreaker) at a cost of nearly $4 billion USD.[38] Those plans were revised in 2010 to include $33.8 billion USD over 30 years for the construction of both military and commercial ice capable ships.[39] Both figures are substantial when compared to the annual Canadian defense budget of approximately $20 billion USD.[40] The Russians, while also recently halting plans to replace older icebreakers, have the newest fleet, the most recent experience and proven technology in modern icebreaker construction. At close to $1 billion dollars each for the most capable polar class icebreakers, construction of a new icebreaker may require a joint international venture. At the same time, subcontracting major portions of the work between the three countries would "spread the wealth" during the global economic downturn, could capitalize on their respective manufacturing strengths and likely reduce the construction time for these vessels.

The U.S. must also build the international institutions which help govern the Arctic. The Arctic Council is an excellent start for building the Arctic regime. However, its main function is as a clearinghouse for Arctic studies and information, and as an advocacy group for environmental issues and indigenous peoples who are not represented in other established

international bodies. While noble tasks, the growth of the Arctic as an area of economic development and increased human activity will require more than just affirming, recognizing and desiring.[41] The Ilulissat Declaration made it obvious that other fora were needed that could take positive action regarding international issues of security, sovereignty and economics that might not be appropriate for the wider Arctic Council membership. All state members of the Arctic Council are also Organization for Security and Cooperation in Europe (OSCE) members. A subcommittee of the five Arctic coastal countries or eight Arctic nations should be instituted as part of the OSCE. As an ad hoc body within the U.N., the OSCE should be flexible enough to allow another ad hoc construct within its organization. Such a construct would enable effective cooperation and decisions on economic issues affecting the Arctic without undermining the original charter of the Arctic Council, allowing it to stay focused on broader Arctic issues. Caution should be exercised however, to ensure that members of any proposed OSCE Arctic committee would still act as proxies for the interests of permanent, non-state members of the Arctic Council.[42]

Building military relationships in the Arctic could prove tricky. Although the U.S. has not always seen eye-to-eye with Canada on sovereignty issues, military relations have historically been positive. The same cannot be said of Russia; five of the eight state members of the Arctic Council are also members of NATO and opposed Russia for 42 years. However, opportunities in the Arctic for low threat, limited liability, military cooperation with Russia do exist. The first and most impactful area is Search and Rescue. The Arctic SAR Agreement has opened up a whole range of possibilities for military cooperation with the Russians. Combined U.S.-Canada-Russia SAR training would certainly support the agreement and could benefit all involved by spreading Arctic SAR best practices and increasing understanding of individual and

joint operations within the context of the Rescue Coordination Centers. Combined training could lead to equipment and operational standardization and possibly joint SAR basing, which would reduce tensions and improve response times when operating across national boundaries. A key component of combined SAR operations will be for the U.S. and Canada to get past the Cold War mindset and be willing to enter into limited military cooperation agreements with their old enemy outside of the NATO alliance construct.

Cooperation and capacity building will help support U.S. freedom of action in the Arctic by ensuring necessary equipment and infrastructure is available and building trust with Arctic partners. However, building is only one part of the two step approach the U.S. must take vis-a-vis its Arctic neighbors in order to ensure freedom of action, especially freedom of navigation in the Arctic global commons. To ensure freedom of access in the Arctic, the U.S. must be prepared to challenge its Arctic neighbors using the diplomatic and military tools at its disposal.

The first tool available to the U.S. is support of its claims and assertions through international law and institutions. Many in government and the private sector have called for U.S. accession to the UNCLOS. In the Arctic construct, this support is definitely warranted. By acceding to the UNCLOS, the U.S. will back up its current actions, claims and challenges with the legitimacy of an internationally recognized treaty signed by over 159 nations. However, the tradeoffs in other areas must be understood and the risks accepted if UNCLOS is ratified. One of the major impacts would be that disputes regarding ocean territory, boundaries and actions on the high seas could be subject to either the Law of the Sea, or International Seabed Tribunals. This could reduce U.S. influence in the Beaufort Sea dispute with Canada and certainly would give Russia an opportunity to renegotiate the unsigned 1990 Maritime Boundary treaty. Lastly, UNCLOS could subject the U.S. to a multitude of nuisance claims filed by signatories of the

treaty who have made excessive ocean claims that the U.S. has challenged. The UNCLOS went into force in 1994, but that has not stopped numerous states from staking claims to the ocean outside the bounds of the UNCLOS articles. When diplomacy has failed to staunch these claims, the U.S. can, as it has in the past, fall back on its right to exercise freedom of action on the high seas with operations in disputed areas by U.S. Navy vessels.

Between 1993 and 2010 the U.S. Navy conducted hundreds of operational assertions under the Freedom of Navigation (FON) program. In effect, the Navy sails into waters erroneously claimed as sovereign by other states and asserts navigational rights in what the U.S. views as international waters.[43] Since the UNCLOS was enacted in 1994, 18 of these missions have challenged restrictions in international straits, 12 have challenged international strait boundaries, 2 have challenged establishment of historic waters, and at least 7 Chinese claims were challenged.[44] If UNCLOS (with or without U.S. accession) is unsuccessful at delimiting Canadian and Russian claims in the NWP and NEP, the U.S. must be prepared to challenge these claims. The U.S. should begin annual FON missions using its two remaining icebreakers to bolster its rejection of excessive claims by both Russia and Canada. By starting these missions now, the U.S. will establish it rights and acclimatize Canada and Russia to U.S. presence, which will likely only increase as the Arctic ice recedes and opens more opportunities for U.S. and international vessels to transit the NEP and NWP.

Conclusion

As an Arctic nation, the U.S. has economic and security interests in the Arctic that it must protect. Moreover, as a nation that believes in open markets, free access to the global commons and the nation most capable of challenging excessive claims, the U.S. has an interest in ensuring access for itself and other ocean going nations through international waterways, especially in the

Arctic. In order to strengthen its position, protect U.S. and global interests and reduce the risk of conflict in the Arctic, the U.S. needs to take positive action by building Arctic regimes and capacity, and challenging excessive Arctic claims. The U.S. must engage Canada and Russia on several fronts in order to promote the appropriate use of Arctic resources and waterways. Economically, the U.S. should take an incremental approach by jointly investigating deep-water port options, engaging in joint training of icebreaker crews and exploring joint development of Arctic equipment. Diplomatically, the U.S. must establish a domestic joint agency with Arctic focus, strengthen the regime of the Arctic Council, and explore development of international institutions that can deal with Arctic issues beyond the Council's charter. Building military bonds is also important for Arctic security and the U.S. needs to explore novel ideas and agreements for joint training in search and rescue within the Arctic community and outside the NATO framework, especially focusing on Russian cooperation.

Additionally, the U.S. must challenge excessive claims to Arctic ocean areas however and wherever necessary. Accession to the UNCLOS is proposed by many as the surest way to accomplish that diplomatically. However, UNCLOS must be carefully considered. Although its provisions seem to support U.S. policy and preference, accession does come with some risk to U.S. global interests. Finally, as the world's greatest naval power and a major provider of global security and freedom of action, the U.S. should seriously consider Freedom of Navigation operations in both the NWP and NEP to strengthen the case for global access and delegitimize excessive claims in those international waterways.

The time of the Arctic is now. A recent Center for a New American Security study recognized that the decisions made today by Congress will affect the capabilities of the DoD for decades to come.[45] Near term decisions made by these same leaders will likewise affect every

aspect of U.S. Arctic policy and capability well into the future. The U.S. must take action now and pursue the least cost prohibitive steps toward domestic and international institutional improvement (including accession to UNCLOS), combined SAR training and joint capacity development. The U.S. should make positive steps to enact these recommendations by the end of FY14 in order to align with the 2012 assessment of icebreaker requirements, the 2014 QDR, the upcoming FYDEP and the biennial review of Arctic conditions by the Navy TFCC. By developing an interagency office to oversee these actions, the U.S. will give the Arctic policy the focus it requires as the opportunities and risks in the region expand. These items will lay the groundwork for further action as the U.S takes chairmanship of the Arctic Council in 2015 and can champion freedom of access and cooperation in the Arctic into the future.

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