

On ice

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Despite the deteriorating state of relations between the great powers, the world has quietly made progress during the past decade in securing the future of the Arctic ecosystem. In 2010, before any of these developments had taken place, I wrote in support of an Arctic regime that would mirror the Antarctic Treaty (Jacobs, 2010), restricting human activity to peaceful uses that cause no environmental damage and, above all, support scientific research.

Now, a series of treaties, painstakingly negotiated by the Arctic Council and latterly by the UN, has established legally binding restrictions on fishing, agreed procedures on how to prevent and deal with maritime oil spills, principles for the conduct of scientific research and measures to coordinate search and rescue operations. Most recently, the UN's newly adopted High Seas Treaty (United Nations, 2023) strengthens and extends to all its signatories the obligations and restrictions to which the nations bordering the Arctic Ocean are already bound.

One potential drawback of the new High Seas Treaty is that it places special responsibility for implementation and enforcement on those states bordering the areas in need of protection. In the case of the Arctic, there is already a framework in place for this, in the form of the Arctic Council. Nevertheless, the “Arctic 5”—the USA, Russia, Norway, Canada, and Denmark—include the world's two most heavily armed military powers. As these are increasingly at odds with each other, the aim of enhanced ocean protection in the Arctic seems to be placing the foxes in charge of the chickens.

The new UN treaty should at least enable a better protection of oceanic biodiversity in

the far north. But it does little to address the three biggest threats facing the Arctic: militarization, mineral exploitation, and the many kinds of pollution originating from much further south. Plus the harmful environmental impact of mass tourism opened up by the melting of the ice. In Antarctica, all such tourism is strictly regulated, with landings essentially confined to small expedition-cruise vessels allowed to bring visitors ashore in small groups. Larger cruise ships can land only a very limited number of persons at a small set of permitted sites. Moreover, all waste dumping is prohibited.

Nevertheless, the importance of preserving the polar environments as a common heritage can only be fully appreciated by those who visit in person. The Antarctic Treaty Consultative Meeting in 1999 adopted a text that must be read by, or to, everyone who crosses the 60th parallel of latitude, explaining the treaty and its addendum, the Environmental Protocol adopted in 1991. It is customary for everyone crossing the line to affirm the treaty's principles and make a personal commitment to adhere to them in deed and in spirit and to spread the word. A similar obligation is needed for those entering the Arctic but is much harder to enforce, given that the region includes inhabited portions of a number of sovereign states, even industrial zones, not just rock, ice, and sea. Realistically, it will be a major achievement to apply such principles only to the ocean and its immediate coastline.

Currently, the USA and Russia control about half of the Arctic Ocean via their legally recognized “exclusive economic zones” (EEZs), extending 200 nautical miles from their coasts. As a result, negotiating any further restrictions on use of the polar

sea has to secure their agreement, which seems something of a forlorn hope at present. Both see a military presence as a national security imperative. And, despite the climate crisis, powerful interests also regard the untapped fossil fuel resources of the Arctic as a legitimate prize. This will only cease to be the case if and when market forces favor an irreversible switch to renewables, with rare metals eliminated from batteries, airframes, and electronic devices.

More hopefully, we should note that the Antarctic Treaty was concluded at the height of the Cold War. Moreover, the Arctic Council provides a forum through which sensible measures can be negotiated, with the smaller nations able to apply at least the moral pressure of a nominal majority. Regrettably, however, the council is effectively in cold storage at this time, due to the Ukraine war. But its successes in the past decade are impressive, giving some hope to those of us who would prefer the entire ocean to be dedicated to science and strictly controlled tourism, just like the white continent. So, my gut feeling is that this is not the hopeless cause it once seemed. But the scientific community still has a crucial role to play if it is ever to happen.

Disclosure and competing interests statement

The author declares that he has no conflict of interest.

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