

Geopolitics of Law of Sea and Blue Justice: Comparative Study of The Arctic and The Antarctic

The polar region extending from 66.5-degree north and 66.5-degree south are known as polar zone or cold desert covered with thick snow packs. The physiographic and climatic similarity and contrasts present critical questions and labyrinth for the international recognizable laws in current geopolitical scenario. The North Pole or the Arctic comprises centrally located ocean and ringed by five countries known as A-5, Russia, Canada, the US, Norway and Denmark (due to Greenland) and well connected with rest of the world. The Arctic Ocean is in the center of the Arctic Region. Only three nations in the world having their continental shelves in three oceans are the Arctic littoral countries (Russia, Canada and the US). Quite contrast the Southern Pole is a huge landmass in the center surrounded by the Southern Ocean keeping it isolated from the rest of world. Perhaps this huge oceanic region prevented the migration there making it uninhabited. While the Antarctic and the Arctic share similar attributes and are often referred to together, they differ in many respects and this difference is now major layer in international law. Most prominent is their physiographic features. The Arctic rimming countries are big powers and influential in international fora; the two leaders of the in global politics and the Cold War, former USSR and the US are closest neighbors in the Arctic Region. Below this the sub-Arctic region is housed by the rich and developed European countries. Contrast to this the South Pole is located in isolation and only two countries namely Australia and New Zealand are nearest landmass but not polar nations. Both the poles have similar climatic conditions and are environmentally subtle; influence the global climate.

The contrast that the South Pole is isolated bay huge ocean remained isolated and uninhabited because human couldn't find sufficient connectivity to migrate in the Antarctic landmass thus Antarctic remained unclaimed and no country has jurisdiction over the huge landmass, its unclaimed resources. The time came when some Seven other countries like the UK, Chile and Argentina, Australia, France, New Zealand and Norway were claiming their sovereignty over the Antarctica and their claims were overlapping to each other. To wriggle out these claims the Antarctic Treaty System was finalised on 1959. This treaty provided an opportunity to the northern powers to hold the remote control of the Antarctic scree screen too. The end of the World War II was the beginning of the Cold War converted the politically unstable regions as wrestling ground for these two Super Powers. The huge unmanned territory of the Antarctica was also something which offered these two Super Powers to establish their control. and the US and Russia (former USSR) were not accepting this. Indeed, the US and Russia (former USSR) intended to suppress the sovereignty claims over vast territory of the Antarctica; therefore, just after few years of the World War II the ATS was signed in 1959, one-years later to UNCLOS I in 1958; in the International Geophysical Year. There were Cold War tensions between the USA and the Soviet Union, who held mutual distrust of each other's intentions in the Antarctic region. Both countries had asserted their right to claim any or all of Antarctica. After World War to the whole world II was looking for peace and refrained from any major dispute therefore multilateral arrangements and form of international stewardship to neutralize covert conflict was welcomed.

The ATS suspended the pending sovereignty claims on this huge land mass, prohibited human settlement, militarization and exploitation of resources and to preserve this for researches for the benefit of mankind and declared Antarctica a nuclear free zone. Nevertheless, the ATS was drafted; indeed, the World War II was in backdrop, nonetheless the North Pole was exempted from such multilateral arrangement. Despite this reality that the Arctic remained militarized throughout the World War II; it is apparent that the Super Powers' wish for privileges and exemptions. Even during the Cold War, the ice-covered Arctic Ocean was safe haven of military maneuvering of both the US and Russia. This situation undoubtedly boosted up their presence in the Arctic and checking the entry new country and also over the Antarctica. Now there was clear divide of ocean economy among global north and global south in the blue economy sector. The North Pole was completely its rimming nations the South Pole was also controlled by them no say of the Southerners. An asymmetrical division before the first convention of the law of Sea.

The ATS fitted in the future's ambitious vision of the Super Powers keeping the sovereignty claimers outside and maintain their presence in the Antarctica till the treaty period; which was not their territorial extension. As an unmanned territory the Antarctica presented an exceptionally different type of maritime domain- an ocean completely exempted from jurisdictional claim of nation or nations. This offered ample of scope for these two Super Powers to exert more diplomatic maneuvering to choreograph the polar politics. This mechanism indeed successfully dealt these two poles separately; but the climate change and USGS prediction that the Arctic sea- bed is resource rich and contain nearly thirteen percent of the global hydrocarbon resource bring the new twists and turns in the Arctic politics and several new entrants started evincing in the Arctic matters. Currently many countries like China, Japan, Korea, Singapore, European Union members have already introduced their Arctic politics

There is a 'scramble' for the Arctic; a 'new Cold War' between US and Russia who are neighbours at only 92 kilometres here; a new military build-up with US maintaining its missile launch sites and strong military presence in the far north and Russia, especially since 2012, focussing a great deal on its military refurbishment in the region including forward airbases. The former US President, Barrack Obama, described the Arctic as the 'last great frontier', while, it is said, Russia is drawing a 'New Ice Curtain'. It is also said that Russia intends to build a new 'Suez Canal' in its Arctic waters, as retreating ice makes shipping possible for part of the year during summers. China wants to be a 'polar expedition power' as it is eyeing shorter routes to European and North American markets, while countries like South Korea are anticipating opportunities for their shipbuilding industries.

In short, new environmental, economic and geographical realities are unleashing new geopolitical pursuits in the Arctic region. It is believed that some 13 per cent of the undiscovered oil and around 30 per cent of natural gas is located in the Arctic region. Russia is claiming several hundred thousand kilometres of seabed on the grounds of it being part of the Russian continental shelf – a claim which overlaps with the claims for an extended continental shelf by both Canada and Denmark. In 2007 Russia had planted a titanium Russian flag at fourteen thousand feet depth to claim an extended continental shelf. In the Arctic Sea

bed. In January 2015, the American president Barack Obama set up an executive steering committee to plan and steer a US naval maritime project for the Arctic.

What kind of frontier the Arctic would be – an ecological preserve or an economic engine? Would it eventually elicit an international cooperation or lead to political and military confrontation? Whatever may be future yet in reality these issues became successful in igniting the global interests in of the South Pole too. Political activities in the High North eventually heated up the South Pole also. The warming global climate has remained a key driver of biophysical change and laying geopolitical traps within this region. The economic factors in and geopolitical realities of the Arctic Region in climate warming age has weighty effect on the Antarctic affairs also. Now the Antarctica landmass and the Southern Ocean is under the impact climate warming thus became ice free. This region is emerging as a hub of economic activities similar to the Arctic; fishing, whaling, hunting, tourism leading to several problems like pollution, depletion of marine resources, threat of misusing the high sea area and outer space for warfare. Like the Arctic the Antarctica is also caught in similar conflicting interests. With the passage of time many countries have started opposing the ATS and putting forward their sovereignty claim over this region which comprises the world's fifth largest continent surrounded by the fourth largest ocean. The Antarctica ice is melting and huge Antarctica ice sheet is breaking with the increase in temperature. Polar regions are the now the core of global geopolitics due to various factors like environment, resource and the strategic locations. In the Arctic region geopolitical phenomena have been responsible in generating and intensifying several disputes including the navigational rights, sovereignty over the sea lanes, overlapping territorial claims and counterclaims among the Arctic littoral states, rights of mining, oil drilling. Now several new countries are competing for attaining foothold in the Arctic Region. After this the ATS is also facing challenges and many countries are claiming sovereignty over the South Pole.

Though UNCLOS is applicable for the oceans indiscriminately, yet the sovereignty and jurisdictional issues are not alike in these poles thus this created a unique cobweb of marine geopolitics. This is the key driver in global politics around these poles and oceans adjoining. The Arctic Ocean is comparatively smaller than the Antarctica Ocean and also major portion of the Arctic is the territory of the A5 nations, and these countries are still claiming for the extension of their continental shelves under the provisions of the article 76 of UNCLOS. Therefore, protected and managed by the A5 nations whereas the Antarctica's represents northern boundary represents the vast unclaimed ocean territory and legally eligible for unrestricted, uninterrupted access therefore unable to check the transit of vessels and aircrafts with planned purposes and can lead to a more disordered situation where the developed nations have obvious advantages over the lower income group countries. The develop economies are exploiting the resources in the Antarctic Ocean.

This proposed research intends to analyze how the geopolitical situations in the Arctic are prompting the geopolitics in the Antarctic. How the geographically located in the northern tier nations the US and Russia have been exercising control over the southern tier of the world?

How this effective control of these two Super powers would reshape maritime politics? Did the ATS was premediated strategy of both the Super Powers US and Russia to control the whole

maritime world by controlling the poles? Or it was their peace effort only? Both the Superpowers have their maritime boundaries in the three oceans and their control over the Southern Ocean would have severe implications for the shipping lanes in the world especially, the Indian Ocean the Northwest Passage on which Canada is claiming sovereignty. How this situation would influence the ongoing politics related to shipping lanes? Whether climate warming is the key player or the Super Powers the key players?

The study would take geopolitical approach to study the interplay among ATS, the ARCTIC Council and most importantly the UNCLOS as the facilitator regarded as the constitution to govern the world oceans. Why the Arctic Council and the ATS both were proposed by the Super Powers and how the countries like the UK, France, Norway which played a major role in exploring the Antarctica and maintaining their presence were kept sideways? How the new world order with technological advancement have created line parallel for challenging hegemony of the Super powers through installations of the artificial islands with a strategic and military interests? How the UNCLOS would face new challenges and adjust with ongoing occurrences the polar seas, especially when the parties would be interpreting its provisions differently in polar regions?

Objectives of the Study

The Antarctica is an unmanned continent on which sovereignty claim of any state has been dismissed by the ATS. The two features being uninhabited and complete absence of sovereignty made the Antarctica region free from any national jurisdiction thus, unfettered right to access this region have offered ample of scope for disputes over the Antarctic after the because the countries started looking towards its resource potential and a vast high sea after global warming. The provisions of UNCLOS have added a unique and complex dimension to these geopolitics necessary to be unfolded in the trajectory of foundation of the ATS and its sustainability. The Antarctic treaty would expire in 2048 and certainly new world order is not bipolar with emergence of third world countries especially China, Japan and South Korea and North Korea and creation of European Union who all have their vital interests in these regions. The Arctic is now global attraction and many of the non -Arctic countries are observers in the Arctic Council. The situations certainly prevent negotiation for any multilateral treaty in the hands of only few or in other words the monopoly of Super Powers can face a major challenge from lesser powers which would be an important player due to their numerical strength. How this situation would shape the maritime politics under the aegis of the UNCLOS which is the major player in the polar politics because each and all nations are trying to establish their claims under the provisions of UNCLOS. The study would analyze how the Arctic geopolitics would influence the Antarctica and role of UNCLOS in polar politics.

Research Questions

The research would find the answers of following questions:

1. How the discernment in the applicability is result of 'nature indiscriminately' law of sea?
2. How UNCLOS is a major player in blue justice in case of the Antarctic?
3. How jurisdictional factor in UNCLOS is responsible a free zone for maritime politics?

4. How the different treaties regarding the law of seas are conflicting and how this conflict is responsible for creating unequal global and chaotic political order?
5. Why there is a need to prevent this asymmetrical order in the global blue economy to attain blue justice?