



AALBORG UNIVERSITY

# HANS ISLAND CASE

A territorial dispute in the Arctic

Master thesis



Bc. Nikoleta Maria Hornackova

Supervisor: Ane Bislev

Development and International Relations

Specialization: Arctic studies

May 2018

## **Abstract**

As the ice cap in the Arctic region melts, new opportunities and challenges arise. The shipping routes through the North become more and more accessible. Also, the technological advancement makes the vision of Northern resources exploitation feasible. As a result of climate change consequences, the geopolitical interest for the Arctic region has increased rapidly. The Arctic states strive to divide the region among themselves like a piece of cake. The High North territories represent new sources of economic power in form of natural resources and control over shipping routes. Although, the UNCLOS sets binding rules for the maritime activities and definitions of maritime zones, it is not sufficient enough to solve certain disputes over overlapping territorial claims of the adjacent countries in the Arctic.

This thesis focuses on the case of Hans Island. The latter is a barren island in the Nares Strait, a rather narrow waterway between Canada and Denmark (Greenland). Both of the countries have the same rights to claim the island under the UNCLOS provisions. A territorial dispute over Hans Island lasts already for decades. The paper analyses why the dispute has so long-lasting character, even though Canada and Denmark have a good international relation between them. To provide the analysis, the arguments have been formulated based on the principles of neorealism and neoliberalism.

The findings revealed that Hans Island had not caused any military conflict so far and it appears to be highly unlikely for the future too, given the friendly relations and multiple cooperation of the disputing parties. Even though, it is believed that the seabed around the Island contains reserves of oil and gas and the Strait might become new international shipping route, possessing authority over such territory represents the fundamental interests of a state, that strives to strengthen its national security, according to neorealism. Also, the disputed area is only about 1,3 km<sup>2</sup> large. The maritime boundary by the Island in the Nares Strait has been agreed on already in 1973 and there have been hold some official debates focused on the settlement of the dispute over Hans Island. In other words, both countries seem to be willing to cooperate on solving the problem at first sight. Moreover, given the size of disputed area, dividing the Island should be as easy as to draw a line on the paper. However, from another point of view, a definitive settlement of this dispute might create unwilling outcomes for both states. It could create a precedence for other similar territorial disputes or it could be perceived, notably by domestic population, as a fail of securing national interests and sovereignty.

Despite the past efforts of both countries, it seems that Canada and Denmark are willing to cooperate on the delimitation of the continental shelf in order, to solve the dispute, but at the

same time they somehow seem to postpone the final decision to the future and do not rush immediately for the definitive settlement, even though, the available and accurate solution schemes exist.

Key words: Hans Island, Arctic, International relations, geopolitics, territorial dispute, Canada, Denmark, settlement mechanisms.

## **ACKNOWLEDGMENTS**

Foremost, I would like to express my gratitude to my supervisor Ane Bislev at Aalborg University for her help and support during the writing process of the final thesis. Even though this paper represents my own work, her useful remarks and comments always steered me in the right direction, whenever I needed it.

Besides my supervisor, I would like to thank to my parents and family for their continuous support and encouragement throughout my years of study. All of my accomplishments would not have been possible without them.

Author,

Nikoleta Maria Hornackova

## **List of Abbreviations**

CLCS - Commission on the Limits of the Continental Shelf

EEZ – Exclusive Economic Zone

EU – European Union

G20 – Group of 20 (international forum for 19 world’s largest economies and the EU)

G8 – Group of 8 (international summit of the most powerful countries in the world)

GDP – Gross Domestic Product

IASC – International Arctic Science Committee

ICJ – International Court of Justice

IMF – International Monetary Fund

IPC – International Polar Commission

MFA – Ministry of Foreign Affairs

NATO – North Atlantic Treaty Organization

NAFTA – North American Free Trade Agreement

NGO – Non-governmental Organization

OECD – Organization for Economic Cooperation and Development

OSCE – Organization for Security and Cooperation in Europe

UN – United Nations

UNCLOS – United Nations Convention on the Law of the Sea

US/USA – United States/United States of America

USSR – Union of Soviet Socialistic Republics

WTO – World Trade Organization

WWF - World Wildlife Fund

## Table of content

1. Introduction .....	5
2. Methodology .....	7
3. Theoretical background.....	13
3.1 Neorealism .....	13
3.2 Neoliberalism .....	15
3.3 The significance of a territory in international relations .....	18
4. The contest over thawing Arctic .....	23
4.1 UNCLOS .....	23
4.2 The High North .....	25
5. Dispute over Hans Island .....	33
5.1 Case background .....	33
5.2 Actors .....	36
5.3 A long-lasting dispute .....	43
6. Settlement of a territorial dispute .....	47
7. Conclusion.....	51
8. Bibliography.....	53

## 1. Introduction

Have you heard about the dispute over Hans Island? If your answer is positive, you probably know about this rather amusing territorial dispute, due to the way of “fighting” for the small island by two otherwise friendly countries, Canada and Denmark. The disputed island in stake is situated in the Arctic region, precisely in the middle of the Kennedy channel, that separates the Ellesmere Island, which is a part of Canadian territory, and Greenland, an autonomous country within the Kingdom of Denmark. Both states are considered to be Arctic countries, because of their Northern location and their lands, that reach up to the Arctic Ocean. Both of them have made legal territorial claims for the Arctic Ocean continental shelf. Their rights result from the United Nations Convention on the Law of the Sea established in 1982 by the UN. The UNCLOS is an international treaty setting binding rules for the maritime activities and limiting the boundaries of territorial waters of a coastal state, together with the limits for the exclusive economic zone and other maritime zones. On its negative side, the UNCLOS is insufficient to resolve certain disputes among states, which might arise due to the adjacent distances of disputants’ territories. In such cases, the territorial claims made by the disputing parties might overlap, even though they are legal under the UNCLOS, what might result into territorial disputes.

After all, the struggle over Arctic territories is not a brand-new theme in the international relations debates anymore. On the contrary, while the climate changes, and the world gets warmer, the regional ice cap has become thinner and thus, the previously impassable Northern sea will become more and more accessible, even during the winter months. Thereupon, together with the increasing accessibility of the Arctic, the geopolitical and economic interests of Arctic states and other relevant actors in that region are also in increase. The cold Northern region can be compared to a tasty cake, that everyone would like to have a share of. Naturally, the highest demand is shown by the geographically closest states to the Arctic, however in recent years even more distant political actors have shown their will to be active in the region and participate on its governance. The reason behind the sudden Arctic boom is obvious. The thawing ice unveils new opportunities in form of territories, shipping routes and potential resources that are worth to strive for in order, to satisfy the needs of humanity and secure national interests. While the outbreak of war appears unlikely at present, some stakeholders test the tolerance limits of the other actors in the region by claiming sovereignty over uncertain areas. In stake is not only the security of the future for individual states, but also the future of whole human kind. Despite

the fact, that the globalization has made travelling, cooperation on the markets and communication easier, the strive for the power and security has not been swept away from a state's political interests. The importance to possess a territory is brought to the foreground again. In the Arctic, it is not a size of territory that has value those days, but rather the amount of resources that the territory contains and its strategic location. The territorial disputes are still up-to-date within international relations issues. And so, the presence of natural resources located under the Arctic Ocean, might put the whole Arctic region in potential danger of military conflict in the future.

The general objective of this thesis is to analyse the ongoing territorial dispute between Canada and Denmark in the Arctic. In particular, we aim to answer the main research question: *Why has not the dispute over Hans Island been solved yet?* The analysis of the problem formulation will be coupled with sub-questions: Why did the dispute begin in the first place? Why have Canada and Denmark not solved the dispute in a friendly manner until today? What are the options for potential settlement of this dispute?

Following the introduction, the research design, the applied data collection methods, challenges and limitations of the analysis will be outlined in the methodological section. Then, the main theoretical perspectives will be presented to the reader in order, to understand the arguments of the thesis. Namely we have applied two theories of international relations, the neorealism and neoliberalism. After, a brief introduction to the theoretical perspectives on territorial disputes and the UNCLOS will follow. The core of the thesis is divided into three chapters. Firstly, we will introduce the Arctic region, its definitions, historic evolution and its current political development. The Arctic is seen as a meeting point of the applied international relations theories principles, because of its potential for both, the cooperation and the conflict. Following chapter will be dedicated to the Hans Island case, respectively, to the identification of origins of the dispute, to the current evolution of the dispute and to the individual disputant actors approaches to the Arctic. In this chapter we will also sum up the findings in order, to answer our research problem. Last chapter will have form of the discussion, where we are going to outline possible territorial dispute settlement solutions and chose the most relevant mechanism to solve the dispute over Hans Island. Finally, the thesis will end with a conclusion, that will sum up the findings and formulate the answers to the problem formulation and sub-questions.



## 2. Methodology

The methodological chapter aims to explain more in depth the ways of research selected by the author of the thesis in order, to analyse the problem formulation and provide answers to the research questions at the end. More precisely, the following information specify the structure, the topic and theory selection, the research design of this paper, together with the data collections methods and literature review. At the end of this chapter, the limitations and challenges of the thesis will be identified.

### *Topic selection and thesis synopsis*

The main theme and the topic selection for the master thesis is truly one of the most important steps to be taken by the author, because the choice has a great impact on the further research and writing process. The author's study specialisation defines clearly the obligatory theme of the final thesis. The Development and International relations with the specialisation for the Arctic studies implies to the students to range their thematic interest to a certain extend to international affairs within the Arctic area. Therefore, the selection of the main theme was not a choice by the author, but rather a requirement resulting from the studies. However, the vague theme had to be narrowed to a more specific area of interest. Because of the previous experience and interest in political geography, the author of this paper decided to focus on the interstate relations and geopolitical issues, which resulted in the topic of territorial disputes. In detail, the final choice has been made to examine a long-lasting territorial dispute between Canada and Denmark over the Hans Island, a small land located in the Arctic region. In that particular case, the studies requirements and the personal interests of the author met up and focus to the specific aspect of an issue. By narrowing the vague theme, the readers can also learn more about the priorities, intellect, interests and knowledge of the author. Moreover, the case of Hans Island is an interesting case of a territorial dispute by its uncommon course, that will be described in the chapter devoted to the case. Furthermore, even though the Arctic is a hot topic within international debates and studies nowadays, the Hans Island case is often omitted, most of the time mentioned only on few lines of the articles focusing on the international relations in the High North. Thus, the aim is to present the case in more detail. Not only we have studies it generally, but we have examined the national interests of Denmark and Canada in the Arctic in order, to understand their intention in the Norther region. Then we could analyse, why is the Hans island one of their interests and why the two democratic states with usually friendly and cooperative behaviour to each other are not able to agree on that particular

issue. We have supported our arguments by the theoretical background consisting of the ideas of neorealism and neoliberalism, but also the definitions of basic terms.

In terms of time, the analysis ranges from the 20<sup>th</sup> to 21<sup>st</sup> century, mainly focusing on the events from the end of the World War II. related to the Arctic region generally and from the agreement between Canada and Denmark in 1973 related to the case. Geographically, the thesis is limited to the Arctic region only. The main stakeholders to be identified are Canada and Denmark. Both countries are considered as the Arctic states. Moreover, the disputed island is situated between the Canadian and Greenlandic (Danish) territories in the Nares Strait. Canada's presence in the Arctic is obvious, given its northern location and about 40% of the territory lying within the Arctic Circle. Unlike Canada and other Arctic states, Denmark is not directly located in the High North and is considered to belong among Arctic countries, due to its autonomous territory of Greenland, which belongs to the Danish Kingdom. The most important to realize is, that we acknowledge Greenlandic wish and efforts to achieve full independence from Denmark, although, Denmark is being mentioned throughout the analysis of the case as the key actor, instead of Greenland. We consider the fact, that in case of potential independence of Greenland, the foreign affairs currently governed by Denmark, would be in hands of Greenlandic government and thus, the analysis of the case could have end with different outcomes. However, the independence of Greenland is not a subject of this paper, thus Arctic policy and territorial disputes related to the Danish Kingdom are discussed in the name of Denmark. Without Greenland, Denmark would lose the opportunity of sitting at the table with great powers such as Canada, Russia, and the United States; something which is quite unique for a small state like Denmark. It is of primary importance that Denmark take utmost care of the relationship with Greenland and treat any possible disagreements between Nuuk and Copenhagen with great mutual respect.

#### *Application of theories*

The main theories, that have been applied in this paper are the neorealism and the neoliberalism. The fundamental principles and ideas of both theories seemed to be the most suitable for the application to the analysis related to Hans Island. The neorealism was applied in order to explain the "egoistic" behaviour of individual states in the global political affairs, as well as in our case. On the other side, the neoliberalism was applied to explain the reason, why the states do not fight for the power to the same extent as they used to do centuries ago, but they rather choose a cooperation among each other. At the beginning, we have also considered application of constructivism. The constructivism theory could also be applied to this paper,

because the Arctic is a special area, where all three main international relations theories could be successfully applied together. However, in order, not to over-complicate the research and also to follow the author's preferences, the constructivism theory was not selected to explain the development in the Arctic as well as in the case of Hans Island. That is to say, the rejection of the constructivist theory as a theoretical background for the Arctic theme is not absolute. The author acknowledges, that the constructivism could also serve as a relevant theory for the Arctic studies, however neorealism and neoliberalism are more relevant theories to the specification of the topic and the point of view of this thesis. Selected theories simply match the problem formulation and the analysis of the durability of the dispute over Hans Island in more extent.

### *Structure of the thesis*

Following the methodological chapter, the reader will be acquainted with the theoretical background of the analysis. Firstly, the neorealism and neoliberalism will be both presented. Then a short summary is given to the application of the theories to the theme of the Arctic region, explaining the most relevant ideas of both theories to the topic. Moreover, the theoretical chapter contains a sub-section dealing with the term *territory*, its definition and theoretical perspective to the importance of territorial possession. Also, the concept of territorial disputes will be introduced, coupled with definition, the most common origins and development of such issues. The fourth chapter will be dedicated specifically to the Arctic region. To begin, we are going to briefly introduce the United Nation Convention on the Law of the Sea, a fundamental set of binding rules governing the activities related to the sea and other water areas to all of the countries that ratified the Convention. We have decided to place the section about UNCLOS directly at the beginning of the chapter about the Arctic, as the Law of the Sea is in large extent relevant to the territorial claim made within the region and thus, territorial disputes that arose due to the limitations of the Convention. Following on the UNCLOS section, the evolution and several definitions of the Arctic region will be presented. Next, the current development in the region will be outlined as well as the security dilemma and sovereignty claims made within the region. Fifth chapter focuses specifically on the case of Hans Island. To start with, the basic features will be introduced, such as the location of the Island or its features. Then, the historical background and the origins of the dispute are identified, followed by the current evolution of the dispute. Subsequently, the focus is given to the individual actors and their approaches to the Arctic region, needed to understand their behaviour during the dispute over Hans Island. Last, the Hans Island case findings are summarised providing, at the same time, answers to the research question about why it has not been solved until today. Last chapter will present in form

of a discussion six different schemes of territorial dispute settlement according to the Guo Rongxing's book *Territorial Disputes and Conflict Management*. Accordingly, the most relevant and applicable options will be selected for the Hans Island case. The main finding of the analysis, together with the answers to the research question and sub-questions will be provided in the conclusion chapter.

### *Research type*

As being said, the following study is focused on the Hans Island case. The main aim is to introduce the existing conflict to the reader and through the analysis answer our research question: *Why this case of territorial dispute has not been solved yet?* The problem formulation is accompanied with the three sub-questions. To repeat, we are going to analyse why did the dispute begin in the first place? Why have Canada and Denmark not solved the dispute in a friendly manner until today? What are the options for potential settlement of this dispute?

Consequently, the problem formulation implies rather analytical character of the paper. The combination of questions *why*, *how* and *what* will provide the best outcome and is being considered to be the most useful combination of questions in order, to effectively find the answers to the research question. At the same time, there are descriptive and explanatory sections, that serve to the reader for better understanding of the topic and theoretical environment. Also, at the end of the thesis we aim to propose possible applicable solutions of territorial dispute settlement for the case of Hans Island in form of a discussion.

Although the goal is to keep a positivist approach throughout the whole study with reasonable combination of two research types and the use of various relevant information sources, we acknowledge that a certain level of subjectivity will occur. The author uses rather pragmatic research type. In other words, we are going to use the mixture of qualitative and quantitative types of research, mainly because each type has its limitations. Therefore, those two researches are used complementary to each other. Nevertheless, the majority of the thesis is based on the qualitative research type. Also, there are certain type of question, that cannot be answered with the quantitative research such as the reasons behind decisions of the stakeholders and questions starting with *how* and *why*. Furthermore, not every data collected can be quantified. Then again, the credibility of collected data is in some cases difficult to prove and a lot of information might be perceived to be subjective. Therefore, we use also the quantitative research type when talking about the exact facts of disputing actors.

### *Literature and data collection*

The master thesis is an academic paper. Therefore, the accurate selection of literature backing the thesis is a must. In order, to avoid the speculative, fictional and inaccurate information given by random online contributors, every source of information was firstly read through and carefully selected. It is crucial that the majority of the used literature for the purposes of the thesis is represented by the journal and academic articles, regardless of their form (online or printed). Other literature sources used in this paper are books, e-books, academic dissertations and studies, documentaries and online sources, such are the official websites of the international organizations, foreign ministries, the NGOs and other similar examples. Henceforth, the literature sources can be divide to the primary and secondary. Primary sources are original, first-hand sources of the information. As primary sources, we have used the official state/institutional reports. Most of the sources were notably secondary sources, providing second-hand information and data of the original sources. To this category belong all of the other previously mentioned sources, to repeat textbooks, academic articles and dissertations. For the purposes of this paper, the academic studies and academic articles, official reports and textbooks are considered to be the most credible and reliable source of information. All of the sources that had been used in this paper are listed at the end of the thesis, within *Bibliography* chapter in alphabetical order of the authors. Besides that, the exact citations and ideas of other authors from the used literature within the thesis, are properly indicated, following the general rules of citation and paraphrasing.

The literature selection was based on the online university databases research, the keyword research, the reference research and the use of literature provided by the lecturers during the lectures. All of the resources were used with awareness of the possible biased information and data, with this in mind the information was carefully collected and implemented.

### *Challenges and limitations*

As the first limitation to be considered is selection only of two theories, neoliberalism and neorealism, omitting the possible application of constructivism. Constructivism relates to the national identity, culture and values, attributed by society to the objects, events, beliefs etc. Had we have applied a constructivist theory too; the analysis could have been done from another point of view and the findings might have differ. Although, the constructivism is not applied to the analysis, its possible application is acknowledged at the end of the thesis, based on the findings related to a state's will to end the conflict or a dispute.

Second limitation and a challenge at the same time was the limited timeframe for the research and analysis. Had there been more time to prepare this paper, the analysis could be done through a constructivist point of view too and more aspects of the dispute would be evaluated. Due to the limited number of pages, some aspects of the territorial disputes were omitted, for instance a possible comparison to the similar case elsewhere in the world, as there is no similar dispute over a land in the Arctic region. Also, geographical limitation implied, that the comparison with other cases worldwide had to be omitted. Initially, the intention was to compare the case of Hans Island to other territorial disputes in the Arctic, however this option was dismissed after realizing the unicity of the Hans Island case. Under those circumstances it could not be compared to any other Arctic conflict. Therefore, we have decided to focus the research solely on the Island itself, and rather take a closer look on the dispute impact to the stakeholders and possible future settlement.

Third, the analysis does not contain a lot of quantitative data. The case of Hans Island has not appeared in any relevant statistical data, that could be used during our research. Thus, the analysis is based on the qualitative data. Moreover, in most cases, Hans Island was mentioned only partially or slovenly in several publications. It might be due to the size of the island and the course of the dispute, that the problem is not taken seriously to the large extent, but mostly used as a humorous case to attract readers to the short and amusing article. Accordingly, relevant academic sources were difficult to find.

Last limitation of the paper identified by the author, has been the Danish language. There have been several data sources published in Danish language, that is not unfortunately understood and spoken by the author, thus, even though they could be potential relevant sources, they could not be used for the purposes of the thesis. In other words, the author has to study only material written in English language, what has been limiting for the amount of information, mainly from the Danish point of view.

### 3. Theoretical background

There will be two fundamental theories of international relations introduced and described in this chapter, namely, the neorealism and the neoliberalism. The aim is to present their core characteristics and worldviews in order, to explain to the reader of this paper the connection between those theories and the thesis topic, and in such a way, support the thesis arguments. Then, the theoretical section about the territory and territorial disputes will be presented at the end of the chapter.

#### 3.1 Neorealism

Neorealism is a theory of international relations founded and influenced by an American political scientist Kenneth Waltz (1924-2013). In 1979, Waltz wrote his representative work *Theory Of International Politics*, in which he endeavours to explain state behaviour and mutual interactions between states. The neorealist theory is often applied in order, to explain or analyse the behaviour of states in the international system, understood as a structure. We could say that neorealism was derived from the realism, the main theory of international relations, because its main principles overlap with the principles of realism and therefore, it does not contradict the main theory, but rather serves as a new alternative. Namely, the key words, that can be used to summarize the neorealist theory are: power, anarchy, international order and security.

According to the theory, the anarchy is the basic condition of international affairs. However, it does not mean that the world is chaotic. The anarchy in international affairs simply means, that there does not exist any central authority above states, that would regulate their behaviour. The individual states behave in the international system as unitary actors striving for their own survival. There will be always states, that would seek to keep the status quo or states that would have to gain more power and impact the international order (Shirayev-Zubok, 2015). Hence, that is why the state power is another principle of neorealism. In international relations, the concept of power represents “*the ability of a state to defend itself, guard its interests, and impose its will on the other states.*” (Shirayev-Zubok, 2015: 41). Such ability can have many forms, part of it can be calculated, for instance the military or economic power consisting of numbers of men in reserve, stockpiles of weapons, a state’s GDP etc. On the other hand, we cannot exactly calculate the political power and power of ideologies. In such terms, states are not equal and in order, to survive, they try to maximize their power, which can sometimes cause an international conflict (Morgenthau, 1985). The power distribution is a core aspect of international relations and accordingly, its changes can alter the international order, in neorealist

approach, called a structure. The world structure can have three forms. It can be multipolar, when several states possess power to dominate the world. It can be bipolar, when there are two opposing great powers dividing world into so called blocks (example of Cold War). Or it can be unipolar, when there is one hegemonic world power, which cannot be challenged by any other state (example of the United States after the collapse of the Soviet Union). Put it differently, the international structure can be compared with the billiard table. Endogenously, all the balls are the same, but they vary in terms of size. In a multipolar system, force of interaction equally affects each ball, while in a bipolar system, things can be completely different. In this situation, some balls are much larger than the others and that affects interaction among the balls and dominate the whole system. More powerful states have more freedom to move around the whole table and have greater impact on the smaller balls while weaker states have less freedom of movement and usually cornered at the table. Except in some situations, the combined strike of several small balls moves the big ones. However, the nature of the system is more important than the state. The balls react to each other according to how the table or the system is set up (Waltz, 2010). The balance of the power depends on many factors, such as the domestic economic situation or simply bad political decision, leading to the decreasing of a state's power. The reason, why the neorealism is being called a structural realism is, that in contrast with realism, neorealists believe, that the adaptation to the existent structure of the international order and seeking for the security are the main influences of the state's politics and thus, the international relations and are causes of its aggressiveness in global competition. Moreover, the distribution of capabilities among units in the system - states, alters the structure and polarity of the system. On the other hand, states can still strive for international peace or reach agreements. Nevertheless, the strive for the security limits the extent, to which the unitary actors are willing to cooperate and thus, create the security dilemma. At the same time, the securitization does not bring more security. It is important to realize, that more one state tries to secure its position and takes defensive steps, more mistrust is created and spread among its neighbours, who take the similar steps to equally secure themselves. Such situation can cause further conflicts and possibly a war. *"Hence a state that is amassing instruments of war, even for its own defensive, is cast by others as a threat requiring response. The response itself then serves to confirm the first state's belief that it had reason to worry.* "Waltz also adds that *"similarly an alliance that in the interest of defence moves to increase cohesion among its members and add to its ranks inadvertently imperils an opposing alliance and provoke countermeasures.* "(Waltz, 1988: 619). To sum up, according to the neorealist theory, the anarchy is a natural state of international affairs and in order, to survive within, states are



engaged in the power games to protect their interests and maximize their security (Shirayev-Zubok, 2015).

Meanwhile, the neorealist theory is criticized, because of its ignorance towards other important concepts such as identity, culture, religion, but also the existence of the NGOs and international institutions. In the same light, the theory cannot explain the relatively peaceful end of the Cold War, mainly because it does not consider the possible change of the international system. For this reason, this paper is going to use another theory to support its arguments, the neoliberalism.

### **3.2 Neoliberalism**

As we have stated at the beginning of this chapter, the second theory supporting the arguments used in this paper is going to be the neoliberalism, also called the institutional liberalism. The neoliberalist predecessor was the liberalism. Their main characteristics differ a little, but the principles basically remain the same and we could possibly label the neoliberalism as an updated version of the liberalist theory.

The first liberal thoughts began to develop already at the end of 17<sup>th</sup> and throughout the 18<sup>th</sup> century. The Enlightenment philosophers were among the first to use the liberal ideas and hopes for the global peace, after the whole Europe was affected by number of wars occurring at that time. However, the truth liberalism theory, that we know today has its roots in the First World War and the post-war period, when the world and particularly Europe had been massively devastated by the war outcomes. Woodrow Wilson presented in 1918, during his speech at the Treaty of Versailles negotiations, the Fourteen points “peace plan”, in other words, 14 principles about how to achieve the global peace<sup>1</sup>. One of them was the creation of international organisation The League of Nations, formed under covenants, that would be able to guarantee those principles mutually for all the states that would join it. Some states and scholars welcomed those points, some started to call it Wilsonian idealism, because of unreal nature of those principles, at that time. Despite that, the World War II. broke out, which created a wave of scepticism of the Wilson’s peace plan. Even though the realism was the main theory during World War II. period, people slowly started to seek the security and peace and so, the liberalism and soon after its revised version, the neoliberalism challenged the realist theory. The cooperation in order, to achieve the prosperity and survival began to be a priority after the War. A lot of theorists believed, that the anarchy of international system started to be replaced

---

<sup>1</sup> Among other things, The Fourteen points covered the topics as the freedoms of the sea, free and equal market, reduction of the overall armament, adjustment of colonial claims and the territorial issues of that time concerning Poland, Russia, Belgium, France, Austria-Hungary etc.

by the mutual interdependence of states interacting on multiple levels. Other forms of powers increased their importance, rather than the military. In addition to idealism and humanism as the early foundation of the modern neoliberalism, the democratization of the world and the rule of (international) law together with economic liberalism opening the markets, represent the main sources of liberalist theory (Shirayev-Zubok, 2015). With the establishment of several international organisations and institutions<sup>2</sup> during and after the Cold war, the so called global community arose and brought certain obligations for the states, which had reduced the total number of wars and international uncertainty, even until today, as well as the popularity to liberal views (Clackson, 2011).

Therefore, we can argue, that the three main principles of neoliberalism are international cooperation, the importance of non-state actors, such are the NGOs and notably no power politics. Compared to the realism, the liberalists believe the war is not inevitable and the cooperation can hold the innate aggression. For that purpose, the creation of more international organisations promoting peace, international laws etc. should take place to conquer the effects of anarchy. That is how the term Institutionalism was created. *“States which are bound by rules and norms created by the institutions will have no choice but to cooperate. In a globalised environment in which the international system is now tied in, new actors like transnational corporations and non-governmental organizations will facilitate interdependence and integration between states which in turn will lead to peaceful international environment.”* (Clackson, 2011: online). The neoliberalists also believe that the spread of the democracy across the non-liberal countries can also bring peace, as the countries with similar values are more likely to trust and cooperate with each other. It is important to realize, that a lot of states want to join those peace-promoting institutions by themselves, because of the evident benefits, that the cooperation with others can bring to them.

Eventually, the neoliberalism shares the opinion on the existence of the anarchy in the international system, as well as the realists do. By the same token, they agree on the balancing of power. Although this may be true, the neoliberalist theory emphasizes, that the system cannot be compared with the billiard table and the effects of anarchy are diminished by the maintaining the society international. (Bull, 1977) The security dilemma is rooted in the anarchical nature of international system. In order, to avoid it, the presence of democratic government, economic interdependence tying the states together, and international laws are the must. On the other

---

<sup>2</sup> According to Keohane, under institution we understand a sort of sets of rules (formal and informal) prescribing roles of behaviour, constrained activity and shape expectations of the states (1988).

hand, the criticism of the neoliberalism lies in the difficulty of the conversion of authoritarian regimes to democratic, as we could see in the case of Iraq and the forced and failed democratization process by the USA or the obedience of the international rules by states, only if they are in their favour. As an example, we can use the case of the United Kingdom and its membership in the European Union, granted by several exceptions.

Indeed, states are the most important actors in the anarchical international system. They do not seek only wealth and power, but also the national security. That is the main reason, why they are became members of international institutions at the end of the 20<sup>th</sup> century, willing to cooperate and construct together a framework of rules, principles and practices enabling them to secure themselves. Namely, we can mention few of them, such as the International Monetary Fund (IMF), the World Trade Organization (WTO) etc. However, the new period of global warming is bringing the new challenges to the internationally tied world. One of them is also the greater accessibility of the Northern region, particularly the Arctic. The latter will be developed into more details in the following chapter.

#### *Theoretical application*

Now, it is important to link the neoliberalist and neorealist principles to the topic. A piece of territory represents one of the main components of a state's power and ability of survival. Therefore, states, as the unitary actors in the international system, usually have interest in possessing all the lands, that they could possibly have a claim for. However, if the possession of such territory is not obvious, and other states claim their rights for the same piece of land, a territory dispute might occur. The sovereignty over a territory might be interesting, because of what is hidden underground in form of natural resources, the population living on it or just because of its size or geopolitically strategic location. According to neorealism, for a state's power calculation, the geographical distribution matters. States are not only strengthening their power ability in order, to survive, but also to gain regional hegemony. That is why, in some cases a state is willing to use its military or economic power to gain territories. Thus, a territorial dispute with the adverse state may develop into the local military conflict or a war. As Mearsheimer points out, the interstate behaviour can be described by the mutual relation between adversary states, in terms of power. (2001)

On the other hand, neoliberalism explains, why not every territorial dispute resulted into severe conflict, but remains dormant or had been already settled in a peaceful manner. In today's world, the international system is interdependent. That is a fact we cannot deny. A system consisting of interconnected units is strong, however, if a conflict or a simple issue affects a

single unit, it has effect on the others too. Thus, the stability of a system and security of individual units could be in danger. That is why, states do not always reach for a use of military force during a dispute between them, because it does not seem to be a suitable option to solve the dispute, at last. The international regimes were established to create rules for international cooperation and peaceful relations, that member states are obliged to follow. The neoliberal institutionalism emphasizes, that states are led to the cooperation, rather than conflict by offering solutions for the issues, where all the parties involved in the dispute can end up with a mutually beneficial agreement. Such bargaining helps to avoid high costs of potential conflict. Therefore, the neoliberalism is crucial to explain the peaceful settlement of a territorial dispute. To understand the importance of a territory for a state in international relations, we are going to present the fundamental notions, definitions in the next sub-section, and outline how can a territorial dispute develop to further conflict. Moreover, we are going to explain the significance of a well-defined boundaries between states.

### **3.3 The significance of a territory in international relations**

Before we begin to analyse the main topic of this paper, we have to introduce the reader to the basic terms of international politics, their definitions and importance. In the first place, we have to clarify the term *sovereignty*. To have a sovereign right over something generally means to possess the highest level of authority over it. In international relations we use to define state as “*a governed entity with a settled population occupying a permanent area with recognized borders.*” (Shirayev-Zubok, 2015: 6). Put it differently, a state is an international actor possessing a territory, where its population lives permanently, and the territory is defined by the lines, that represent its borders. A sovereign state governs its territory and population independently without higher authority. But above all, a sovereign state can claim everything within its borders, because it belongs to its internal affairs. In practice, a sovereign state can issue its own laws, print its own money or impose its will on its population. On the other side, a membership in international institutions can strengthen or weaken that sovereignty, depending of a state’s will to limit its own sovereignty, by delegating authority and some powers over certain affairs to the international organizations. The most visible example is the UN, the EU or other important internationally recognized treaties (Shirayev-Zubok, 2015). With that in mind, the territory is then one of the constitutive symbols of statehood and the area, where the sovereignty of the state can be independently imposed.

### *Dimensions of importance*

Whether a state is willing to give up, negotiate or fight over a territory depends on territorial importance for the disputed parties. The importance can be defined based on the value a territory carries. The value is in general very subjective matter varying according to the subject preferences and perceptions. However, some components, that create the value can be quantified, in order, to understand the approach of individual states to the issue or also to predict future scenarios of a dispute evolution. Assuming that, we differentiate two dimensions of a territorial importance: the intrinsic and relational.

First, the intrinsic importance refers to the commonly shared value assigned to the territory by all parties in stake. There exist indicators representing the attributes of a land contributing to a state's power. The most significant are physical size of a land (capacity, resources, potential) and the population, that lives on the territory (representing the source of labour). Second, the relational importance, on the contrary, refers to the individual significance a state designates to the particular territory, based on economic ties, the volume of exports and imports, geographical proximity to the main land of a state or the ethnic composition of the population in disputed area (Wayman-Diehl, 1994).

The final extent of the value attached to a territory is certainly given by a state itself. However, the scholars, political geography experts and analysts have to be able to assign at least an approximative value to the territory, according to the knowledge about the parties and the territory in stake. The correct assumptions about the dispute evolution could prevent the potential military conflict. Several theoretical frameworks are going to be introduced in order, to analyse international actions of states, related to the territory. The first influential framework has been developed by Kenneth Boulding, an American economist and social scientist. He argued, that there exist *zones of viability* – in some zones a state is viable, in others he has very little or none influence. Notably, the areas, where a state's sovereignty can reach, are the most perspective. Its power diminishes with the distance from the home base of a state. In other words, a state can influence its internal affairs, whereas his ability to influence other states is limited by the geographical constrains or other decision-makers actions (Boulding, 2012). Second framework was introduced by Harold and Margaret Sprout. According to their studies, the actions taken by a state depend on the environment the given state faces, such demographics, technological power, geography etc. The environment may represent the constraints to the actions itself. They called it *environmental possibilism*. Whether a state decides to go in to war with other parties, depends on several features defining the environment (Goertz- Diehl, 1992). The last framework introduced is going to be the work of Harvey Starr, an American professor

of geopolitics. He argues, that a state's actions depend on the *opportunity* and *willingness*, similar concepts as the two previously described. He emphasizes, that higher the opportunity for the given action is, the higher is the probability, that it will in fact occur. Also, the willingness derives from the opportunity (Goertz-Diehl, 1992). "*Most commonly, the opportunity to engage in war may enhance the willingness of the decision-maker to choose to go to war.*" (Goertz-Diehl, 1992: 6). Accordingly, geographic conditions play an important role in decision-making. For example, Starr points out, that proximity of two states can result in increased conflict or cooperation between the two. Overall, all three scholars emphasize, that the geography is not the only factor influencing a state's behaviour. The decision-making over territorial issues is always a complicated and multidimensional process, that has to be studied properly, in order, to deliver a credible dispute analysis.

### *Territorial disputes*

During the history, the world lands have been man-divided and the boundaries became often man-made, arbitrary, imposed or natural. The people occupying certain territories became bounded to such areas, willing to protect their homes and sources of materials and food. While the disputes over territories occurred even beyond recorded history, the most significant change has been made with the technological advancement<sup>3</sup>. Probably the most suitable example is the colonialism happening during 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> centuries and lasting until the end of the World War II. World powers such Great Britain, France, Spain and others, fought over the control over territories all over the world. During the Cold War, the battle between two competing blocks, USA and the Soviet Union, has often been interpreted in geopolitical terms.

Until today, more than a half of territorial disputes had been settled by an agreement among disputing parties, but lots of the disputes are long-term and still have been unable to be settled down. But what is in fact a territorial dispute? According to Huth, a territorial dispute "*exists when at least one government does not accept the definition of where the boundary line of its border with another country is currently located, whereas the neighbouring government takes the position that the existing boundary line is legal border between the two countries based on a previously signed treaty or document*" (1998: 19). In other words, the two or more states do not agree commonly over a claimed territory or a drawn boundary line. The evident example of non-functioning boundaries, that had been drawn on the map regardless other important features, is Africa and the local ethnic clashes. Also, there is a long-lasting dispute

---

<sup>3</sup> Goertz and Diehl mention few examples in their book *Territorial changes and International conflict*, for instance, the Roman Empire or the most impressive territorial control by Mongols, who had been controlling large parts of Europe and Asia (1992).

over the territory of Kashmir between Pakistan and India. There might be several reasons, why such a dispute occurs. The cause can be historical, ethnical, or intrinsic, when states are competing over a territory rich for natural resources, access to water or arable land.

The power of a state has always been linked with the territory, because “*power is associated with demographic strength and economic resources that are generally related to land size*” (Goertz-Diehl, 1992: 2). Most of the wars had at least one territorial component in it. As Goertz and Diehl point out, some wars had been fought explicitly over territories, other, such as Indian-Pakistani conflict, has the territorial feature hidden in religious or political origins (1992). Albeit territory had been the origin of many wars, not all of the disputes over territories transform into the war in reality. “*Many territorial disputes linger for years without either party feeling it necessary to use military force to pursue its claims.*” (Goertz-Diehl, 1992: 2). Furthermore, there exist many peaceful dispute-settling mechanisms, that quarrelling states can use to avoid the actual war. Before the settlement of a dispute, we have to first look at its origins, thus the types of disputes. We have briefly mentioned some of the reasons above. In fact, the most common territorial disputes are the disputes over international borders.

#### *Uncertain borders*

As we have explained, the territory and the sovereign control over it are very important for a state’s security. Therefore, its exact demarcation and delimitation are the key steps for a state to limit its authority. For this reason, the state borders define areas of a state’s sovereignty and separate it from the territories of other sovereign states.

It was the Treaty of Westphalia in 17<sup>th</sup> century, that contributed to the birth of modern political order, wherein a state’s authority emerges from the sovereign and legitimate rights to control its territory. The birth of nation-states raised awareness of frontiers between states. The initial pieces of land representing boundaries transformed into single lines, drawn on the maps (Brunet-Jailly, 2015). They had become the interaction lines between two sovereign political units, that have the ability to connect, or on the contrary to divide. In particular, a state border is an imaginary line defining and delimitating the territory of a sovereign state. In other words, a sovereign state’s territorial possessions are delimited by simple lines. If two or more states are unable to agree on a boundary line, they can turn to International Court of Justice or use other possibilities of peaceful solutions of interstate dispute. The latter will be described in more detail in the last chapter of this paper. Hence, the territorial disputes caused by a boundary issue can have many forms. The two sovereign states can strive over the ownership of a given area in order, to increase their power and claim rights based on history, geography etc. Or there can

be uncertain definition of a given boundary line in the official documents or its direct demarcation. We also know functional disputes over boundary regulations.

The most critical is the land and water surface border line, because it also defines both the underground and above-ground space at the same time, where the sovereignty of a state extends. Regardless of the importance of a state territory and borders, the international law, with some exceptions, does not stipulate, how should the border line be set. In general, how to set and delimitate a state boundary is the subject of a boundary treaty or a state's will. There exist several methods for describing the political boundaries of neighbouring states. As Guo enumerates in his book *Territorial disputes and conflict management*, boundaries can be defined by turning points or angles in which case detailed surveys, field data, landmarks and precise terms are required; courses and distances usually used for water bodies; natural features describing boundaries according to natural barriers<sup>4</sup>; or human features determining boundaries according to ethnicity, language or religion (Guo, 2012). Consequently, inexact, vague, inappropriate and unclear definitions and demarcations represent the origins of territorial disputes. Guo also indicates the most common errors made during a boundary description: “(1) *inappropriate topographical terms and place names*; (2) *vague geographical and geometrical features*; (3) *intricate human and cultural features*; and (4) *inconsistent or contradictory statements*” (2012: 10). Respectively:

1. Vague topographical terms such are “crest”, “chain”, “source” “bank” etc. might have variable definitions throughout the world in different geographical regions.
2. The use of a river as a national boundary. It is suggested to set the border line in the middle of the river, median, thalweg (deepest points in the river), bank or arbitrary line. However, *in some circumstances, to define a boundary along a river's channel may invite trouble if the river has more than one channel, if there are hydrological changes to the main or principal channel of the river.*” (Guo, 2012, p. 15).
3. Occurs when a state's boundaries do not correspond with the cultural or religious boundaries.
4. The Ambiguity of UNCLOS statements. Ex.: Arctic region. (Guo, 2012).

The ambiguity of UNCLOS statements is also closely related with the main topic of this thesis; therefore, we are going to elaborate it and introduce the UNCLOS more extensively in the next chapter.

---

<sup>4</sup> Sometimes referred to as the most ideal boundary definition.



## 4. The contest over thawing Arctic

As the title of the fourth chapter indicates, the Arctic has become more than just a cold piece of the Earth on its Northern part, that nobody feels concerned about. The ice-cold region has recently got attention by many political actors. The Arctic is a polar region on the Northern hemisphere, surrounding the North Pole. Given the fact, that the Arctic region is in its majority formed by Arctic Ocean, the principles of Law of the Sea - the UNCLOS, apply to the maritime activities within the region. Therefore, in the first place, the UNCLOS will be introduced to the reader, together with definitions of maritime zones, in order, to understand, how is an Arctic state's behaviour in the Arctic and its sovereignty claims limited by law. Then the most common definitions of the Arctic region will be mentioned, followed by a brief outline of the past political approach to the region. Next, the current situation of security dilemma will be explained and connected with the notion of territorial claim and its consequences.

### 4.1 UNCLOS

The UNCLOS is the abbreviation and acronym for *The United Nations Convention on the Law of the Sea*, a treaty that was opened for signatures in 1982 by the United Nations in order, to establish rules governing the oceans, to define maritime boundaries and, to regulate seabed exploration. After the 60<sup>th</sup> country signed the Convention, what was the condition for the treaty ratification, the Law of the Sea came into force in November 1994. The Convention comprises 320 articles and 9 annexes in total. Until today, there are 168 signatory countries. However, some major global players such the US, have not ratified the treaty, although they comply with it. As introduced on the official UNCLOS website, “*it is the globally recognized regime dealing with all matters relating to the law of the sea.*” (UN, 2018: online) At the same time, the treaty provides definitions of the basic terms. We are going to now present the most important maritime zones definitions (Figure 1).

In case, that a state's land is limited by a sea; its sovereignty extends even beyond the land territory and internal waters to the *territorial sea*<sup>5</sup>. A coastal state has rights over territorial sea up to 12 nautical miles from the normal baselines (low-water line along the coast), which is approx. equal to 22,2 km. The *internal waters* are defined as waters on the landward side of

---

<sup>5</sup> The sovereignty extends to the air space and bed and subsoil of the territorial sea as well (UNCLOS, 1982, article 2).

the territorial sea baseline. Under the UNCLOS, the right of *innocent passage*<sup>6</sup> through territorial sea belongs to all of the states. On the other side, the coastal state should allow such passage of foreign ships and inform about the possible danger.

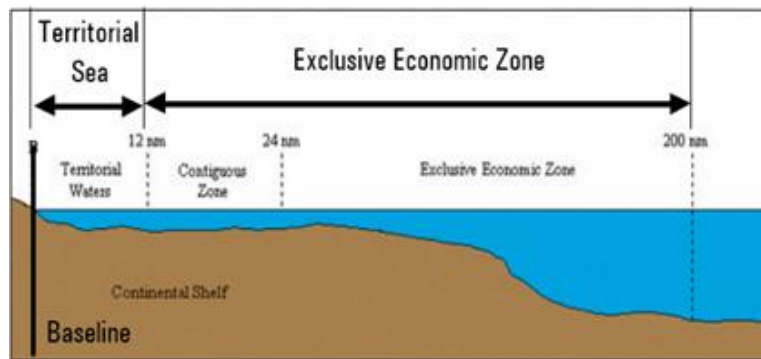


Figure 1: Maritime zones definition<sup>7</sup>

Then, there is also the *Exclusive economic zone (EEZ)*. It extends up to 200 nautical miles from the normal baseline, equal to approx. 370,4 km. The EEZ is subject to the specific legal regime established “*under which the rights and jurisdiction of the coastal state and the rights and freedoms of other states are governed by the relevant provisions of this Convention.*” (UNCLOS, 1982: Art. 55). Article 56 gives rights to the coastal state for the purposes of exploration, exploitation, conservation or management of natural resources. The state can also establish artificial islands or other structures, exert scientific research and protect the marine environment (UNCLOS, 1982). However, all other states have rights to freedoms of overflight, navigation, laying submarine cables etc. The last, but not least, the *continental shelf* of a coastal state “*comprises seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin or to the distance of 200 nautical miles from the baselines.*” (UNCLOS, 1982: Art. 76). Under those circumstances, the EEZs, but also the territorial seas can overlap, due to the closeness of two or more coastal states. Under Article 59, whenever a conflict arises between two coastal states, “*the conflict should be resolved on the basis of equity and in the light of all relevant circumstances, taking into account the respective importance of the interests involved to the parties as well as to the international community as a whole.*” (UNCLOS, 1982). The UNCLOS is also defining, how the continental shelf and therefore, the rights over it, should be delimited between states with opposite or adjacent coasts, and thus, the delimitation should be

<sup>6</sup> The passage is considered to be innocent as long as it does not threaten the peace, good order and security of a coastal state (UNCLOS, 1982, article 19).

<sup>7</sup> Source: Land Information New Zealand. *Maritime boundaries definitions*. Available online.

executed on the basis of international law of the Statute of the International Court of Justice (UNCLOS, 1982). If the latter, cannot lead towards an agreement within reasonable timeframe, the description of the settlement of disputes is provided in PART XV of UNCLOS.

Together with the seas and UNCLOS regulations too, is associated the global warming. The higher temperatures cause the rise of the sea levels as a result of melting glaciers and ice sheets. Such phenomenon therefore affects directly or indirectly international relations. This leads us directly to the ice-cold and ice-covered region, the Arctic.

## **4.2 The High North**

For many, the Arctic region still represents just a polar adventure, a place, where a non-local could experience the definition of real cold weather, kilometres of pure snow, dog sledding experience, whale sight-seeing etc., in other words, a lifetime experience of human survival in the harsh weather conditions. However, for political actors, such as states, international organisations and multinational corporations this Northern region signifies the opportunity. The strive for survival, a geopolitical focus, discovery of potential resources and the climate change reshaped the image of the High North and brought it into the political, economic, social and environmental focus of debates related to the international affairs. But before going into details of current Arctic development, we have to take a look on the historical background and definitions of the Arctic region.

The Arctic is a remote region around the Northern pole of the Earth. Most of the area consists of the Arctic sea, the rest are pieces of lands, islands and adjacent parts of the states of North America and Northern Europe, reaching up to the region. The region of High North is very unique due to its special ecosystem and indigenous people inhabiting the area, that covers approximately 27 million km<sup>2</sup>. The five bordering states, also called the Arctic Five, are the USA, Canada, Russia, Norway, Denmark (Greenland). Then, there is the Arctic Eight too, representing the member states of the Arctic Council, namely the Arctic Five plus Sweden, Finland and Iceland.

### *Evolution of the Arctic*

Although, the history of Arctic region reaches much earlier than 20<sup>th</sup> century, we are going to focus only on its historical background from the political point of view. According to Clive Holland, the Arctic region began to be mapped only from the advent of airships in 1920's, when the region could be reached from the air (Holland, 1994). The first exploration was made by the adventurers and scientists, who came into the region and thanks to their notes and

memoirs, the rest of the world started to perceive the Arctic as a polar region consisted of snowy deserts, no inhabitation, except of the few indigenous people. Very often, the Northern region was compared with the Southern region – Antarctica., both being polar areas with an image of potential resources. Those early perspectives became the trigger for the creation of first international organizations related to the Arctic. “Such a common “polar perspective” was formalized in international cooperation back in 1879 with the creation of the International Polar Commission.” (Keskitalo, 2007: 192). The IPC organized many researches and influenced discussion about both poles. Probably the most significant impact had the IPC on the formation of the Antarctic Treaty in 1959, what was considered as a governance programme for the Southern pole. It also defined the Antarctica as the area below 60° south latitude (Keskitalo, 2007). They believed the Arctic delineation should be done parallelly. That means that the 60° north latitude should be set as the line limiting the Arctic Circle. This delineation was applied in Canada; however, the Northern Europe was much warmer at that limit, including areas like the capital city of Sweden.

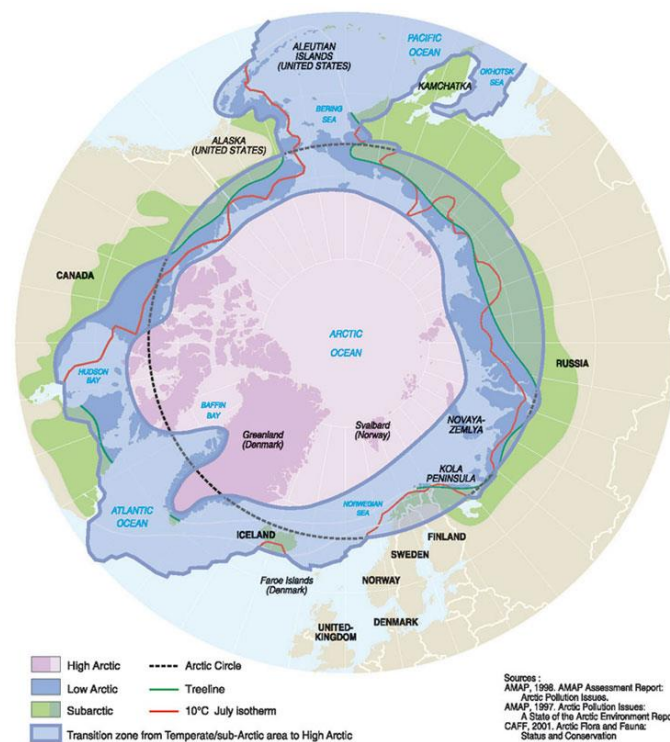


Figure 2: Definition of the Arctic area<sup>8</sup>

Therefore, the Europeans rather use the limitation of 66° north as a definition of the Arctic Circle, the area where the sun does not rise above the horizon “for at least one day in

<sup>8</sup> Source: Website of Arctic Centre, University of Lapland. Available online.

*mid-winter; [but] it does not constitute a border for any animal or plant life.”* (Keskitalo, 2007, p. 193). According to the climate and temperatures, the limit for the Northern Europe is about 80° north. From geographical point of view, the Arctic is considered to be the area where its southern boundary runs through the isothermal line of average temperature of 10°C in July. It comprises the Arctic ocean, parts of the Atlantic and Pacific oceans and lands of Northern America, North Eurasia and islands in Arctic ocean (Figure 2).

The significant transformation of the region began after the Second World War, when building of the military bases, the migration of population and the transformation of its life standards occurred, due to the modern production activities in the region. Politically most attractive and an analytical centre, the Arctic region had become at the end of Cold War. The region around the North Pole began to be considered as a region with a potential to be the shortest route from the North America to the former USSR. Initially the bordering states excluding the USSR saw the potential of cooperation and defence against the Soviet Union. The US signed treaty with Iceland and Sweden with Finland became engaged as member states of NATO. Nowadays, they are called the *Eight Arctic* and are primarily involved in Arctic affairs (Keskitalo, 2007) Together with the rising political interest, some environmental movements began to rise too. Later, Gorbachev – former Soviet leader, suggested the cooperation in the Arctic region in several dimensions – political, civilian, environmental etc. Then, the period of establishment of several organizations for cooperation took place<sup>9</sup>. One of the most significant cooperation was the environmental. In 1991, the Arctic Environmental Protection Strategy has been established, signed by all eight Arctic states. (Keskitalo, 2007) It seemed, Canada was the state with highest focus on the Arctic at that time. Two decades earlier, Canada has presented its idea about the creation of the Arctic Council. The latter was finally established in September 1996 in Ottawa, Canada and serves as a high level intergovernmental forum for the Eight Arctic States and permanent participants until today. However, more intensive development of the region had been decelerating by the extreme climate conditions.

Nowadays the Arctic region faces several challenges. Probably the most crucial one is the climate change, because it has effects on the other challenges. The global warming phenomenon causes the melting of the Arctic ice, both on the land and on the sea. Every year, the winter months in the region, a period during which the ice cap is supposed to be the thickest

---

<sup>9</sup> To mention some: The International Arctic Science Committee (IASC), International Arctic Social Science Association, the Northern Forum (1990).

and largest, are getting warmer. Both sea ice and permafrost<sup>10</sup> become thinner and during summer months gradually disappear, what is proven by the satellite photos mapping the region. Moreover, the effects of the climate change are the most severe on the North Pole when compared to the rest of the world. What is happening is called *albedo effect*. “*Shiny ice and snow reflect a high proportion of the sun's energy into space. As the Arctic loses snow and ice, bare rock and water absorb more and more of the sun's energy, making it ever warmer.*” (WWF, 2017) Though, the climate change consequences on the North Pole are not solely related to the region, but the changes affect the whole world. According to WWF, some fisheries can completely disappear, melting tundra and glaciers contribute to global sea level rising and thus seriously affect certain areas located at lower altitudes<sup>11</sup>, and it also contributes to the warmer weather in the European continent and overall precipitation patterns. All of the mentioned above challenges are related to the environment. The environmental issues are moreover coupled with challenges for international cooperation and politics. As the ice cap is getting thinner or, in some areas, completely disappears, mainly during the summer months, the sea becomes more accessible for the shipping, shortening the route from Asia to America. In the same fashion, the seabed containing natural resources becomes easier to reach for the exploitation. Overall, the consequences of the climate change happening in the Arctic region, cause the increased interest of international actors, such as states, organizations or multinational corporations. Everyone would like to have a piece of the Arctic “cake”. Although, technologies for the commercial use in the severe Arctic conditions are still being developed, the Arctic boom has begun, and regional actors claim their rights for the territory, to secure their position and regional power. The first territorial claims were made already during the first half of the 20<sup>th</sup> century by the Arctic states. Those days, more international actors are interested to be active in the region such are Japan or China.

#### *Security dilemma and sovereignty claims in the Arctic*

If the boundary making in the Arctic region would be an easy process to follow, we would not have to talk about the issues arising from delineation. For many years, the concept of territorial occupation was based on Roman law. When a state wanted to acquire and retain sovereign right over a new piece of territory, it had to demonstrate *the corpus and animus*

---

<sup>10</sup> As permafrost we understand a ground „that remains at or below 0°C for at least two consecutive years [...]In the Northern Hemisphere, regions in which permafrost occurs occupy approximately 25% (23 million km<sup>2</sup>) of the land area. “(International Permafrost Association, 2015, online)

<sup>11</sup> Examples: Netherlands, small island nations such Maldives or Tuvalu could be potentially affected with serious consequences.

*occupandi*. In other words, the state must be willing and be able to exert power over a given territory. “To prove that a state had the ability to control a given territory, they had to demonstrate the “colonial effectivités” (sovereign activities) required. This normally manifested as proof of administrative control such as deed registration, tax collection, and the licensing of professions.” (Sharp, 2018: online) Logically, such effective occupation could not be an option for the case of the Arctic. Therefore, a new approach was proposed at the beginning of the 20<sup>th</sup> century, called *the sector theory*<sup>12</sup>. The idea was to draw straight lines from the lands of the Arctic countries until they all meet in the North Pole. In reality, it could possibly suggest dividing of a cake into pieces. The main proponents of the sectorial theory became the Soviets arguing, it could ease the tensions between states in stake. However, many opposed by arguing back, that the sector theory is not based on the traditional order of acquisition of territorial title<sup>13</sup>. The sector theory had been followed, mainly by Soviet Union, until it passed out of usage during the Cold War. (Sharp, 2018)

The establishment of the UNCLOS aimed to help with resolving the disputes over sovereignty in the Arctic region. The Law of the Sea set up fundamental rules for the territorial claims of the coastal states in the Arctic waters (Figure 3). However, the limits for territorial waters and EEZ overlap in the region, mainly because of the adjacent position of the Arctic states. Therefore, in such cases, bilateral or multilateral treaties might be signed between the parties in conflict in order, to peacefully avoid military conflict, what has been more or less successful in the Arctic region until today, even though rush for Arctic treasure continues. To enumerate some of the major disputes due to the territorial claims in the Arctic, we can mention maritime boundary dispute between the US and Russian Federation on the North-West of Pacific ocean, running through the Arctic Ocean; Barents Sea dispute between Norway and Russia, again because of the maritime boundary delimitation, however both nations reached an agreement in 2010 dividing the disputing region; US and Canadian dispute over Northwest Passage rights, or over Beaufort Sea maritime boundary; and disputes between Canada and Denmark, one over Lincoln Sea, the other over Hans Island, both unresolved.

As you can see, the Arctic region is perfect example of an area where two theories of international relations: neorealism and neoliberalism meet, clash and cohabitate together at once. This Northern territory is obviously a centre of interest for units of international system, for states or for multinational corporations and international organizations. The strive for Arctic

---

<sup>12</sup> The sector theory was first proposed by Canadian Pascal Poirier in 1907 to the Canadian Senate. (Sharp, 2018)

<sup>13</sup> The traditional acquisition of a territorial title had to be manifested upon the title of first discovery, title of first occupation and peaceful, uncontested possession for more than 50 years. (Sharp, 2018)

territories in general, is simply the strive for security and survival in the future, due to the hidden natural resources in the Arctic sea and seabed.

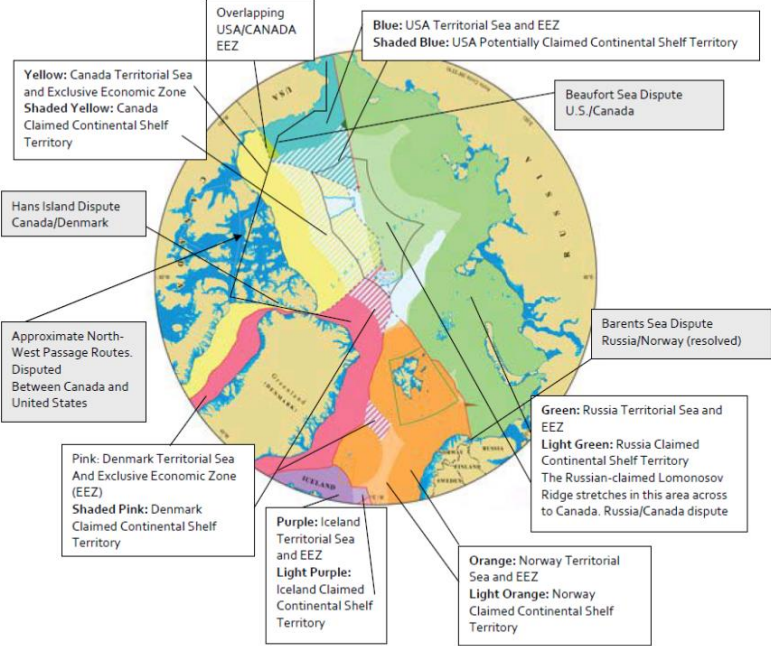


Figure 3: Territorial claims in the Arctic<sup>14</sup>

The Arctic exploration is undoubtedly in fashion these days. Technologies developed to reach the bottom of the sea and withstand severe Arctic conditions are improving, but the extraction is still very challenging and potential customers (corporations) do not hurry, since there are still enough resources elsewhere, and the prices are acceptable. Compared to the reserves from the Arctic, the prices would reach very high numbers, due to the conditions under which the oil or gas would have been extracted, but also its seasonal limitation (the seabed would be accessible only during summer months). *“The estimated technically recoverable resources exceed 90 billion barrels of crude oil and 1700 trillion cubic feet of natural gas at the very last. It is, however, important to keep in mind that 84% of Arctic oil and gas reserves lies off-shore.”* (Smirnov, 2012: 84) There is a lot in stake. For Arctic states it is crucial to claim their lands and have all the rights on those lands in order, to have control over those resources, that could be used in the future for securing the need of their populations or to sell those resources to other states or make agreements with the drilling companies. The possession of the territory in the Arctic, that is so rich in natural resources would definitely contribute to a state’s power. The more powerful an Arctic state would become, the most likely others would perceive it as a regional power, what can contribute to its international prestige. Thus, it is logical that such

<sup>14</sup> Source: Durham University website.



valuable region or its parts, could cause a potential conflict, in form of a dispute or some experts also predict, that it could become the cause of more serious military conflict involving more than two states. Any military conflict in the Circumpolar North could have fatal consequences, not only for the region itself, as we have mentioned previously how changes in Arctic affect the rest of the world.

Even though, the Arctic states would like to keep the Arctic region for themselves exclusively, the other actors, such China or Japan would like to participate in Arctic exploration. At the same time, as it seems that no war will occur in the Arctic during the near future due to the high level of regional cooperation, states are still trying to protect their energy security interests. “...*the O&G corporations are lobbying their Arctic plans through respective government authorities for: [...] potential fluctuations of oil and gas prices [...], possible rearrangement of access rights to potential areas of natural resources due to blank spaces in international maritime law.*” (Smirnov, 2012: 87) On the other hand, ties with multinational corporations could even more decrease the chances of potential conflict in the region. Thus, it is very difficult to answer exactly the questions about potential conflict. For now, it seems that the war is not close to occur. However, it is important that any decision behind entering a military conflict is made by the decision-makers. Therefore, it is necessary to stress out, that a possibility of war in the Arctic region relies mostly on the human factor, rather than the available technologies, natural resources or simply a state’s power and prestige in the region. As Smirnov adds, more fatal than a war, can be any environmental accident for the Arctic fragile nature, because any oil leak would be administratively and technically very challenging to clean, causing major pollution, that could spread farther from the region. (2012)

On the other side, the world is globalized. That means that the individual actors of the international system are politically and economically interdependent on each other. In case of the Arctic, the states involved in the region prefer the mutual cooperation, rather than entering into military conflict in harsh Arctic conditions. Although, a combat is not involved in the priorities of Arctic states, they all are improving their military capabilities, mostly training their brigades in the Arctic waters, so they can be able to defend themselves even in the cold North. (Smirnov, 2012) The five arctic states, namely the US, Canada, Greenland (Denmark), Norway and Russia have the sovereignty priority included directly in their Arctic strategies contending with two primary issues: “*the determination of the extent of their extended continental shelves and the projection of sovereign presence in the Arctic.*” (Brosnan, 2011: 180) If the conflict would occur, the outcomes could not be as optimal for Arctic states as their mutual cooperation. The potential for cooperation can be found right in the core of the problem, hence, the mapping

of the seabed and determining the marginal extents. Such activity is technically and financially challenging for a sole state, therefore, multinational collaboration could be much more advantageous, rather than unilateral action in terms of finances, technology, time saving etc. Another avenue of cooperation in the region could lie in the deterring, detecting and fighting against the illegal activities such as illegal fishing or smuggling. The third one, could be notably the scientific research concerning the climate change monitoring, protecting the environment. However, the latter might also be held more unilaterally, or through collaborative regimes and international organizations. (Brosnan, 2011)

Another key point to support the neoliberalist tendencies in the region is the fact, that all the Arctic states, whether the Arctic Five or the Arctic Eight are members of the Arctic Council, the UN, they all accept the UNCLOS provisions and all of them, except Russian Federation, are members of the NATO. In other words, they follow (approximatively) the same bounding rules set by the international institutions, that they are members of; they meet and discuss the international relations issues related to the Arctic region more or less on regular basis and all of them are willing to cooperate in the region. By the same token, they all support international trade. As we have already mentioned, the melting Arctic Sea makes the vision of using the Northern Sea Route and Northern Passage for shipping more realistic than ever. Although the international trade is a feature of neoliberalism and represents the multilateral cooperation, several concerns might arise related to the shipping governance through internal waters of Canada or Russia, who could potentially hold all the power and fully control the shipping trade in their waters, what concerns other involved states.

Altogether, the struggle for the Arctic territory is real. The neorealist idea of the search for resources to survive and to retain a state's security drive the Arctic states forward in their fight for territorial rights. The neoliberalist ideas are holding them back from entering a military conflict in globally interdependent world. The ideas of both theories are at the same time supporting and limiting the actions of international actor in the Arctic. However, the presence of the areas that are subjects of disputes between Arctic states remains. Most of them is related to the maritime boundaries delineation. Those disputes could be categorized to three groups. First relates to the bilateral disputes between adjacent states, second to the extension of the continental shelf and third to the North shipping routes. In the next chapter, we are going to focus on one particular dispute: a long-lasting sovereignty dispute over Hans Island between Canada and Denmark. Not only we will present the roots of the dispute, but we will provide analysis on the research problem mentioned in the introduction – why the dispute over a small tiny rocky island in the Arctic has not been resolved yet.

## 5. Dispute over Hans Island

In the following chapter, the particular case of a territorial dispute will be analysed based on previously introduced theoretical perspectives. The two Arctic states, Canada and Denmark (Greenland) have disputed over a small rocky Hans Island in the Arctic for decades. First, the basic description of the island will be introduced, followed by the historical origins of the dispute. Second, the disputing parties will be presented, focused on their presence and activities in the Arctic. The two actors will be then compared. Third, the chapter will result into the analysis of the core reasons behind a long-lasting territorial dispute over Hans Island.

### 5.1 Case background

Hans Island is a subject of a territorial dispute between Canada and Denmark in the Arctic. It is situated in Kennedy Channel of the Nares Strait. The latter is a northernmost waterway dividing lands of Greenland (Denmark) and Canadian Ellesmere Island. There are three small islands altogether, Franklin Island, Crozier Island and Hans Island, while the latter is the smallest of them.



Figure 4: Location of Hans Island<sup>15</sup>

In fact, the disputed area has only 1,3 km<sup>2</sup>, with a length and width slightly over one kilometre. The distance of the island is about 1100 km south from the North Pole. (Jarashow-Runnels-Svenson, 2006) The island is not inhabited at all and except a weather station, there is nothing else. Also, no permanent fauna or flora are present on the island, due to its rocky structure and cold climate. After his visit of the island in 1981, R.D. Hudson wrote in his correspondence, that “*The island is almost circular, measuring approximately, 1 km in*

<sup>15</sup> Source: Canadian Military Journal, Vol. 13, N.3, 2013. Available online.

*diameter, and is surrounded on nearly all sides by vertical cliffs in excess of 130 m. Its eastern, southern and western aspects present towering cliffs with no beach at all; only on the northern side does the land slope at a walkable angle to the sea.”* (1982: 353) Most of the year, the island is covered and surrounded with the ice cap. Hans Island has been legally claimed by both neighbouring countries, Canada and Denmark, and thus, a territorial dispute over this tiny piece of barren rock in the sea has begun in 1970’s and lasts until today. Danish claims have been made through the authority over Greenland and a Greenlandic explorer the island was named after. Canada claims the island through the title of acquisition of the territory based on the British Adjacent Territories Order of 1880. (Baldacchino, 2017) In fact, dispute over Hans Island is the only land related dispute in the Arctic, while all the other disputes are related to the maritime boundaries.

The Nares Strait, a waterway, where Hans Island locates, is wide 35 km. According to UNCLOS, a coastal state’s territorial waters stretch to 12 nautical miles, what equals to 22 km approximatively. The location of Hans Island is therefore problematic, because the island, according to the UNCLOS, belongs to the territorial waters of both, Canada and Denmark. Moreover, it is believed that the location of the island is within future Arctic shipping routes, but also, that there are possible oil and gas deposits beneath its location. (Baldacchino, 2017) In reality, that means, that none of the disputing parties takes the island for granted and does not want to give up on, even though a very small territory, but with a high economic potential. Moreover, as the melting Arctic provides international actors with new shipping routes, *“knowing who has jurisdiction over what bits of land and sea is hugely important to avoid accusations of trespassing in territorial waters.”* (Baraniuk, 2015: online) But the dispute has not a usual course, the relationship between the two countries is still positive and in large extent friendly. In the same fashion, the disputing parties individually after every few years visit the island, plant the national flag and leave a box with national alcohol for the next neighbour’s visit. Until today, no military encounter has occurred to win sovereignty over Hans Island.

### *Historical origins*

The Hans Island got its name after Hans Hendrik, a Greenlandic explorer, who used to be hired as an assistant to the American and British Arctic expeditions during the second half of 19<sup>th</sup> century, thanks to his navigational and hunting skills required for a survival in the cold North. First time, he was hired for a search expedition in 1853 by American captain Elisha Kent Kane. Then, in 1860, doctor Isaak Hayes hired him again for his expedition to the North Pole. Both of them were unsuccessful. Third time, it was captain CF Hall who offered a job to

Hendrik on his steamship USS Polaris during his expedition to the North Pole, again with no success. (Bjornsson, 2016) Nevertheless, they had sailed further than any other expedition at that time, reaching north of Nares Strait. In 1872, Hans Island was discovered. Also, “*It was on this expedition that Hall named a tiny island in the northern part of the Nares Strait, midway between Greenland and Canada, after Hans Hendrik. In Greenlandic, the island is known as Tarupaluk, meaning kidney-shaped.*” (Bjornsson, 2016: 5) After Hall’s expedition, few more voyages of Hans Hendrik followed. Accordingly, it is believed that the first written mention of the island in a chronicle *Narrative of the North Polar Expedition* of Charles Henry Davis, an American explorer. (Hall, 1876)

Hans Island is so not new onset, but the issue has its roots in the 1970’s. In December 1973 in Ottawa, Canada and Denmark have made a bilateral agreement on delineation of the boundary of their continental shelves in the Nares Strait. The treaty came into force since 1974. (AFA, 2008) The total length of a boundary that states agreed on was 2685 km joining in total 128 turning points connected by geodesic lines and creating the longest maritime boundary delineation agreement at that time. The boundary has been defined clearly with exception of 875 m coherent to the Hans Island size. The official continental shelf agreement recognizes the sovereignty uncertainty of the Island and directly mentions: “*No boundary exists between Point Nos. 122 and 123. These two points are situated on the north and south coasts, respectively, of Hans Island. This island lies in the midchannel, about 8 nautical miles north-northeast of Franklin. Problems of sovereignty and effect of the island on a maritime boundary led to its being discounted in the delimitation.*” (Office of The Geographer, 1976: 7) Both states were unable to decide on how the boundary should be placed on Hans Island. Therefore, they decided to keep Hans Island unresolved back then with a belief to find reasonable solution later on. (AFA, 2008) “*Instead of delaying their negotiations with this development, the negotiators simply drew the boundary line up to the low-water mark on one side of the island and continued it from the low-water mark on the other.*” (Bayers, 2014: 6) The dispute remained postponed for a decade, until Canada had decided to show off its sovereignty over the island in a very special manner. In 1984, Canadian troops came to visit the island and left behind clear message for Denmark in form of a planted Canadian flag and symbolic bottle of Canadian whiskey. As a response to the opening act of a territorial dispute, Denmark sent its minister of Greenland for a visit of the island. He took off the Canadian flag and replaced it with the Danish one, accompanied by a note “Welcome to the Danish island” and a bottle of Danish brandy. Canada responded by issuing a diplomatic protest. Since then, each party had visited the island few times, repeating the same ceremony, that gained name of a *whiskey war*. “*Additional Danish*

*flag plants-and Canadian protests- followed in 1988,1995,2002,2003, and 2004.”* (Bayers, 2014: 6) As always, keeping the same tradition, the flag exchange had been accompanied by the bottle of alcohol. Canadian military leaves a bottle of Canadian Club, Danish military leaves behind bottle of schnapps. (Bayers, 2014) Public acknowledgment of the dispute began in Canada in 2002, as a reaction to the published article about Vikings in the local newspapers. The article was named *The return of Vikings* and targeted a visit of Danish sailors on Hans Island on previous summer. Except the issuing of another diplomatic note, in 2005 Canadian troops together with the Defence Minister came to the island again and repeated the whole exchange ceremony once again. (Bayers, 2014) As a reaction, Denmark for the first time officially claimed the Island to be Danish territory, based on the historical evidence, that the Island has been served as a hunting territory for Inuit of Greenland. Nevertheless, they have carried collaborative efforts to find a solution. In 2007, Canadians recognized officially, that the Island is not solely their territory, but that its status is uncertain, as the imaginary boundary runs through the middle of Hans Island. (AFA, 2008) By the meantime, Canada and Denmark have tried to resolve the dispute during common talks focused on the Hans Island case.

In 2016, academics of Canada and Denmark called for equal partition of the Island between the two countries, with border connecting the points of maritime boundary. (McGwin, 2018) Recently, Kevin McGwin has published the article for the website Arctic Today, mentioning, that on Wednesday May 23, 2018, representatives of both countries look forward the settlement of a territorial dispute. Moreover, a special task-force has been established, seeking the resolution of the dispute, not only over Hans Island, but also their maritime boundaries disagreements in Lincoln and Labrador Sea. (McGwin, 2018) *“The countries recently convened a joint task force to hammer out a more official agreement than swapping bottles. It will be made up of lawyers and experts from a range of federal departments including Global Affairs, Fisheries and Oceans and Crown-Indigenous Relations and Northern Affairs.”* (Frizzel, 2018: online) As the most recent events suggests, both countries try to jointly work on the definitive settlement of the long-lasting territorial dispute in a peaceful way accompanied with compromises from both sides, in order, to keep their friendly relationship.

## **5.2 Actors**

The dispute is on bilateral basis. The main actors of the conflict and the disputes parties at the same time are Canada and Denmark. Canada is a North-American country, stretching from the Pacific Ocean on the West coast, to the Atlantic Ocean on the East coast. From the South, it is bordered by the US, and from the North by the Arctic Ocean. The Northern parts of

Canada are mostly islands located within the Arctic region, most of the time covered by ice and permafrost. The total Canadian area covers almost 10 million km<sup>2</sup> and the country's coastline of 202 080 km is the largest in the world. In fact, the total number of more than 36 000 islands in the Arctic Archipelago is the largest contributor to the highest length of the coastline. Canada has population above 36 million people. (CIA, 2018) From the political perspective, Canada is federal parliamentary democracy, under the constitutional monarchy. Although, the head of the monarchy is Queen Elisabeth II., Canadian monarchy as an institution is separated from the monarchy of the United Kingdom. Within the international affairs, Canada is considered to be a middle power highly engaged in international peacekeeping. Also, its foreign policy is oriented towards international cooperation. The evidence for the latter is the membership of the Canada in many international or regional organizations and forums. For instance, G20, G8, IMF, NAFTA, UN, WTO, Arctic Council and many others.

Denmark is a Scandinavian country, so the geographical location of the main land is in the Northern Europe. The country is mostly bordered by the Baltic and North Sea, except its Southern border with Germany. The total covered area, excluding Faroe Islands and Greenland, represents 43 094 km<sup>2</sup>, with a coastline length of above 7000 km. The population of metropolitan Denmark is about 5,6 million people. (CIA, 2018) Denmark is a constitutional monarchy with unitary parliamentary democracy. The head of the Kingdom is Margrethe II. Except the metropolitan Denmark, the Kingdom of Denmark comprises also Faroe Islands and Greenland, both islands located in the North Atlantic Ocean, though Greenland is border by the Arctic Ocean from the North, and most of the territory lies within the Arctic Circle. Both countries have had home rule since 1948 and 1979, respectively. Certain policy areas were thus assigned under the executive power of the two countries. In particular, Greenland has taken over responsibility of its mineral resources and all the decisions related to the exploitation are in the hands of Greenland authorities. At the same time, under the Self-government Act for Greenland of 2009, Denmark annually upholds a financial grant to Greenland, that is gradually diminishing due to the collected revenues from mineral resources. (MFA of Denmark, 2011) In international affairs, Denmark is considered to be a middle power with foreign policy highly influenced by its membership in European Union. The country is a big contributor to the development aid and international peacekeeping supporter<sup>16</sup>. By the same token, Denmark supports international cooperation and is active member in several international and regional organizations, such are the EU, NATO, IMF, OECD, OSCE, UN, Arctic Council etc.

---

<sup>16</sup> Although, Denmark has participated in bombing of Yugoslavia in 1999 or in Afganistani war in 2001, thus the active millitary participation is also part of the foreign policy.

Both of the countries are to a great extent interested and have claimed their territories within the Arctic region. In the next section we are going to look closely to each country's interests, policies and engagements in the High North, followed by a brief summary of their mutual relationship.

### *Denmark in the Arctic*

To repeat, we acknowledge, that Denmark's mainland, compared to the other Arctic states, is not physically present in the High North and it is because of the location of Greenland, the Danish semi-autonomous territory in the Arctic, that the name of Danish Kingdom has been used within Arctic political affairs. *"The existence of the Danish Realm is what legitimizes Denmark's presence in the Arctic. Thus, it should be an essential part of Denmark's strategy to improve the current relationship with Greenland."* (Jacobsen, 2016, online)

Denmark gained a sort of regional importance during the Cold War, when the US used Greenland's territory (situated between the West and East blocks) with a Danish permission, to build a military base in city of Thule. Denmark profited from the agreement in form of NATO membership discount<sup>17</sup>, which has become known as *Denmark playing the "Greenland Card"*. Thanks to the Greenland's part in the Danish Kingdom, even a small state such is Denmark could sit at the table with greater powers. (Jacobsen, 2016) As a matter of fact, is it until today that Denmark takes the Arctic issues very seriously as the region is considered to be an important part of the Kingdom. As mentioned on the official website of Ministry of Foreign Affairs of Denmark (Later MFA of Denmark), *"The Arctic makes up an essential part of the common cultural heritage and is home to part of the Kingdom's population."* (2018, online) Another significant proof has been the establishment of the Danish foreign Ministry's Office for the Arctic and North America in 2012 headed by Arctic Ambassador. (Jacobsen, 2016) The Kingdom of Denmark acknowledges the climate changes within the Arctic region, that cause increased regional economic activities. It is therefore crucial to face new challenges in the High North by *"ensuring a stable, peaceful and secure region characterized by dialogue, negotiation and cooperation."*, and at the same time, focus on new opportunities such as *"increased access to the exploitation of oil, gas and minerals, but also new shipping routes which can reduce costs and CO<sub>2</sub> emissions by freight between the continents."* (MFA of Denmark, 2011, p. 9) The common political objectives of the three governments of the Kingdom of Denmark, namely of

---

<sup>17</sup> Every member state of NATO is since 2006 obliged to contribute to the budget of the alliance with 2% of its GDP.



Denmark, Greenland and Faroe Islands, are defined in its official Arctic policy *the Kingdom's strategy for the Arctic 2011-2020*. Specifically:

- “A peaceful, secure and safe Arctic,
- with self-sustaining growth and development
- with respect for the Arctic's fragile climate, environment and nature
- in close cooperation with our international partners.” (MFA of Denmark, 2011)

We are going to focus more on the second chapter of the joint strategy of Danish Realm, in fact, to the peace and security in the Arctic. Firstly, Denmark is fully aware of the importance of a functioning international legal framework. The most important regional law, the UNCLOS, had been ratified by the Kingdom on 16 November 2004. Under the article 76 of the UNCLOS, a coastal state has right to the extended continental shelf, the EEZ and has to document its claims within the 10 years of the ratification of the Convention. In Danish case, the deadline for submitting the relevant data to the Commission on the Limits of the Continental Shelf (CLCS) was in December 2014. The budget for mapping the continental shelf was set to 350 million DKK (Approx. \$ 42 million at that time) for 12 years. The project has been made in cooperation with Canada and Russia. (MFA of Denmark, 2011) Denmark made his Arctic claims in total of almost 900 000 km<sup>2</sup>, as the last state of the Arctic Five, whilst, was the first to claim the North Pole. The claims overlap with the claims of other Arctic states and will be examined by the CLCS within consecutive at least 10 years. (Barkham, 2014) Thus, in as early as 2024 we can expect more Arctic collaboration and bilateral agreements concerning the carving of the North Pole.

Denmark believe in the close collaboration in the Arctic region with other states. In 2008, Denmark together with Greenland organized a conference in Ilulissat for the Arctic Five, resulting into the Ilulissat Declaration emphasizing on the close cooperation related to the application of international law in the Arctic region, focusing on the mapping of continental shelves, sea rescue and protection of fragile environment. (MFA of Denmark, 2011) Moreover, the Ilulissat Declaration showed to the non-regional actors, that the Arctic is part of internal affairs of Arctic states. The triggering event for Danish indicative had been the decision Russia to plant their national flag into the seabed in the North Pole in August 2007. Also, the overlapping claims dispute should be resolved jointly in accordance to the international law. As proven, in terms of successful resolved disputes in the Arctic, Denmark and Norway solved their boundary dispute between Greenland and Svalbard in 2006, and other Arctic disputes with Iceland or Canada. (Davis, 2011) “*Danish Arctic perspective where good relations with the*

*seven other Arctic states are extremely important in finding answers to significant questions such as delineation, sovereignty enforcement, climate change and maritime safety.* “(Jacobsen, 2016, online) In the case of Hans Island, the Kingdom believes that the dispute will be handled also in close cooperation with Canada. *“Pending a permanent solution to the issue, the dispute will be handled professionally as would be expected between two neighbouring countries and close allies.”*. (MFA of Denmark, 2011, p. 15) Denmark recognition of the Island as a Danish territory dates back to the beginning of the 20<sup>th</sup> century, when the first official mapping of the Island by Danish expeditions was made. *„The overriding aim was regional mapping of the national territory of Denmark.* “(Dawes-Tukiainen, 2008: 79) Several mapping Danish expeditions succeeded during the World War I., 1970’s, 1980’s.

### *Canada in the Arctic*

Canada’s approach to the Arctic is rooted deeply in the Canadian history and identity. About 40% of Canadian territory lies directly behind the boundary of polar circle. Thus, Canada is truly an Arctic country, that we can call a regional power. Historically, it was a Canadian, that first publicly propounded the sector theory, as a solution on how to divide the Arctic region at the beginning of the 20<sup>th</sup> century. Though, the sector theory should be the 4<sup>th</sup> of the four sovereignty claims by Canada in the Arctic. *“The first claim was through the Arctic discoveries of such English explorers as Cabot, Frobisher [...]. The second claim arose out of the cession to the English Crown of all French claims in what is now Canada by the Treaty of Paris in 1763. The third claim was based on the occupying exploits of the Hudson’s Bay Company.”* (Head, 2012: 200) Although it gained little sympathy within Canadian Government, it is carved into the Arctic history.

The country acknowledges changes occurring within the High North, and by the same token its increased geopolitical significance. Thus, to keep pace with other interested actors, Canada’s highest priority is to maintain its regional influence and exercise its sovereignty in the stale, rule-based region. *“The geopolitical significance of the region and the implications for Canada have never been greater.”* (Government of Canada, 2017, online) The political perspectives for the Arctic are defined in the *Northern Strategy*, an official policy introduced in 2007. The sovereignty as a main pillar stands as the first in the Strategy. The exercising of sovereignty is seen as a must, a duty and responsibility related to the long-standing historic title and presence of indigenous peoples in the region. *“Protecting national sovereignty, and the integrity of our borders, is the first and foremost responsibility of a national government. We are resolved to protect Canadian sovereignty throughout our Arctic.”* (Government of Canada,

2017, online) Canadian activities comprise active scientific research, protection of the environment in the Arctic, regular ministerial visits to Canada's North or military operations of the Canadian Forces or Canadian Coast Guard. (Government of Canada, 2017) "*Operation Nanook, an annual sovereignty operation that takes place in Canada's Arctic, shows the government's commitment to protecting and demonstrating control over the air, land and sea within our jurisdiction.*" (Government of Canada, 2017, online) By the same token, Canada is eager to resolve boundary issues with other Arctic states in accordance with international law. The main maritime boundary disagreements are with the US about the boundary in the Beaufort Sea, or with Denmark over Lincoln sea and Hans Island. Being that, none of the disputes is threatening to the bilateral relations with those states and Canada will seek cooperative management of those issues. Within the topic of sovereignty falls also the international recognition of the Canadian extended continental shelf. A previously mentioned, Arctic states have right to extend their EEZ beyond 200 nautical miles, within 10 years of ratification of the UNCLOS. Canada ratified the Law of the Sea in November 2003, and had made submission to the CLCS in December 2013, however only to the partial claim of the continental shelf in the Arctic Ocean. The completed claim should be submitted in 2018, including the North Pole too. This time, the claims should be based on the more precise scientific research and collected data since 2013. "(Sevunts, 2016) Canada has not only worked independently on the seabed research, but as it proclaimed, "*To maximize data collection in a challenging physical environment, encourage exchange of information and minimize future differences, Canada has been working closely with neighbouring Arctic Ocean coastal state.*" (Government of Canada, 2017, online) Although, Canada sees itself as the regional leader with a national interest to protect their territory and exercise sovereignty within Arctic, this North American country understands the need for peaceful cooperation with other Arctic states. Besides sovereignty, the Strategy covers also Canada's interest in creating the sustainable development in the region. It requires bilateral and multilateral cooperation with other states, mainly the US and Denmark. In 2009, the Arctic Council updated the guidelines for practices related to the offshore oil and gas operation, in which Canada actively participated. Changes in the Arctic bring more traffic to the region. The Northwest Passage, one of the shipping routes is located within the internal waters of Canada, that causes disputes, mainly with the US, who claim that the Northwest Passage is an international shipping strait, thus it does not belong to the Canadian jurisdiction. As a response, Canada has changed the name of the passage and added the adjective Canadian with a clear aim to show who is the owner of the Passage and thus who has right to exercise sovereignty and jurisdiction. Another pillars in the Canadian Arctic Strategy is the

environmental protection or empowering the people of North. (Government of Canada, 2017) Nevertheless, Canada's interest and goal number one in the Arctic region is for sure to be a regional leader and protect the national sovereignty that is perceived as undisputed. But, the exception is given to the case of Hans Island, that has been claimed by Denmark.

As mentioned above, Canada's claims over Hans Island are made based on title of acquisition of a new territory. Not only had been the island transferred to Canada from Britain in 1880 with other High North territories, but "*the claim also relies on the international legal requirement that the title to territory be maintained by regular activity.*" (Byers, 2014, p.6) For example, Canada established a scientific base on the island during the Second World War and later, in 1950's conducted topographical survey during which a cairn with a note claiming Canadian sovereignty was built. (Bayers, 2014) Apart previously mentioned Canadian visits to the Island and planting their national flag, Canada has visited the Island for scientific purposes too. Since the establishment of maritime boundary Canada had made research trips to the island By Dome Petroleum<sup>18</sup> in 1980's to study Arctic ice floes. In 2000, the geological team visited the Island and collected samples of the rock. (Stevenson, 2007)

#### *International relations between Canada and Denmark*

Compared to the Denmark, Canada has its Northern parts directly located within the Arctic circle, what qualifies the country's claims basically timeless. Whereas Denmark depends markedly on its authority over Greenland. Thus, if the Greenland would become fully autonomous country, we can assume that Denmark would lose its position in the Arctic region, together with its territorial claims. The extent of the consequences of Greenlandic independence is rather hypothetical, now. We can only assume that in order, to remain in the Arctic, Denmark would have to make a special agreement with Greenland. Nevertheless, it seems that Greenland is not completely ready to become fully autonomous country yet, thus, Denmark remains an important actor in the Arctic. Moreover, thanks to the historical ties between Inuits, the indigenous population in the Arctic, Greenland maintains social and cultural links with Inuit communities in Nunavut, Canada. Both states, Canada and Denmark are constitutional monarchies with parliamentary democracy. They are very supportive towards the international peacekeeping and international cooperation, for instance, both countries are active members of important global and regional organizations such the UN, NATO, or the regional Arctic Council. Their trade partnership is also beneficial. They mutually import and export goods

---

<sup>18</sup> Canadian Petroleum company.

from and to each other<sup>19</sup>. Both countries share similar ways of doing business, and keep trading ties and cooperate within the field of scientific research, renewable energy, information technologies etc. Overall, Canada and Denmark are countries with friendly approach to each other, maintaining strong bilateral relations within the fields of education, trade, but also their political or military cooperation as partners and allies. As mentioned on the website of the Government of Canada, *“both countries support multilateral solutions for global issues, such as the strengthening of international peace and security, conflict resolution, as well as improving the social and economic well-being of the global community.”* (2017, online)

Within the Arctic region, both Canada and Denmark cooperate on the research and mapping of the continental shelf. Their budgets for the continental shelf projects were approximately comparable in terms of the finance and timeframe. However, after analysing both Arctic strategies, we can conclude that sovereignty over Arctic territories is directly linked with the Canadian pride and identity. Compared to Denmark, Canada explicitly perceived itself as a regional leader and its priorities are fitted to the national interests. The Arctic sovereignty as number one among the pillars of Canadian Northern Strategy. On the other side, Denmark understands its position in the Arctic. The country recognizes the importance of Greenland as a part of Danish Kingdom and that it depends on it, when talking about the Arctic affairs. Therefore, Danish priorities in the Arctic are strongly related to the cooperation with other regional powers in all of the domains and issues concerning the Arctic. At the same time, both of the countries recognize and understand, that the sovereignty over Hans Island is still in question, and therefore, either party should act before the final dispute settlement. (Dawes-Tukiainen, 2008)

### **5.3 A long-lasting dispute**

Clearly, the dispute over Hans Island is a long-lasting issue between Canada and Denmark. The question is, why it could not be solved until today. The relationship between the two countries are obviously very positive. They are both cooperating together within various domains. Thus, the dispute cannot be rooted in a disruption on their relations. Moreover, a lot of times, the dispute was labelled as a friendly dispute or war, regarding the fact, that not only those countries had worked on their relation in the past, and more and more cooperation will take place in the future. But also, the ways of demonstrating their sovereignty over Hans Island is far from being hostile. In 2005, when Canadians visited the island, took the Danish flag and

---

<sup>19</sup> Canada’s exports represent fisheries, agricultural products or medicine. Denmark exports to Canada wind turbines or oil. (Government of Canada, 2017)

raised their own, not only they left a traditional bottle of whiskey, but they also had made an inukshuk, which is a traditional Inuit stone statue. (NPR, 2005). In case of Hans Island is not relevant to talk about the war. The history of the dispute has proved that none of the parties is willing to enter into a military conflict with each other. They are rather open to cooperation on the delimitation of the continental shelf with intention to solve the conflict. Therefore, we can say that the dispute over Hans Island will not continue to the other stage and a war should not occur.

Given the fact, that the island is totally barren as it is formed completely out of stone, with no animals or plants living on it; nor in the surrounding sea; or presence of an arable land. Also, there is no proof of any valuable minerals on the island. The weather is mostly unfavourable for most of the human activities and the sea is usually covered with ice floes. But, it is believed, that not the island itself, but the seabed around the island might contain reserves of oil and gas. The state, which would have sovereignty over the island, would have gain also rights to continental shelf exploitation, according to the UNCLOS. Therefore, we might assume that the interest of both countries is based on the fundamental instinct of survival, in other words, that they are striving for the potential resources hidden in the sea under the island.

Moreover, as it seems that the land in stake is not that important itself, there has to be an extra value assigned to Hans Island by both countries. The attention should be given to the fact, that Denmark and Canada had clearly no problems in the past with delimitation of the maritime boundary within the Nares Strait in 1973, but for some reason it takes almost five decades to agree on the boundary on Hans Island. The length of maritime boundary was more than 2000 km and they were able to find a solution for division of the Strait. Compared to 1 km long Hans Island, the dispute seems ridiculous and connecting the two points of maritime boundary, that end at and begin from the island should be very easy task to. Canadian and Danish diplomats could sit together and draw the line. But it has been not the case. As Byers suggests, “*the role of domestic politics becomes more apparent when one considers that the dispute has no implications for the location of the maritime boundary between Canada and Greenland, or for Canadian or Danish rights elsewhere.*” (2014, p.6)

For Canada, the Arctic represents an important territory, as about 40% of Canada lies behind the Arctic Circle. In addition, from historical perspective, Canada has been present and active in the Arctic long ago, ever before Denmark. From Canada’s Arctic strategy is clear that the highest priority goal is to maintain and protect its sovereignty in the Arctic and make it clear for the other actors in the region. Although it seems that the interest of both countries is based more on the relational importance than the intrinsic one. Nevertheless, the natural resources in

the seabed and control over a potential shipping route are still at stake. As Guo points out, “*while Hans Island has little value, the waters associated with the island are important to both countries. Because of the Island’s location in the centre of Kennedy Channel, it could play a key role in determining control of the passage through Nares Strait.*” (2006: 135) Put it differently, the added value to Hans Island is the question of identity. However, identity and relational importance are in large extent related to the third major international theory, the constructivism. The latter has not been used as a theoretical background in this thesis, nevertheless, in the case of Hans Island, a constructivist theory seems to be also applicable.

Publicly, this dispute is perceived more as a comedy, than as a serious political issue. There is even a website demanding the liberation of Hans Island called *Hans Island Liberation Front*. The author of the website, Jennifer Amy, said during the interview for NPR, that “*There was a flag and then there was some rocks, and I heard that both sides had built inukshuks and that's when I thought this is ridiculous, like, this is just funny. It's just too comical to be true; a war fought by building inukshuks.*” (NPR, 2005, online)

To sum up, there is no doubt that the dispute over Hans Island is more than just a funny game of Canada and Denmark. Although, the island itself seems to be with very little importance and the level of dispute is low, apparently it is the location that matters, because of the potential shipping route and seabed natural reserves and the geopolitical impact of potential settlement of sovereign rights in the High North. The neorealist and neoliberalist principles are visible in the Arctic, and thus in the case of Hans Island too. Canada and Denmark are friendly cooperating countries and a military conflict seems to be very unlikely, but both are striving to gain as much as possible to strengthen their power, position and prestige in the region and maintain their own security. Also, several solutions for the settlements of a territorial dispute seem to be accurate, such as dividing the island in half, share the sovereignty over the island etc., at which we are going to look in the last chapter. Therefore, it seems that the disputing countries are not very eager to solve the conflict and deal with potential fail of sovereignty, what is mainly true for Canada, who perceives the Arctic as part of the national identity. Also, any decision in the case of Hans Island could create legal precedent for the similar cases in the world, but particularly, it could affect Canada’s dispute with the US in Beaufort Sea. (Guo, 2006) “*Resolution of the dispute between Canada and Denmark over Hans Island may have significant implications for determining the continental shelf boundaries under UNCLOS; and will certainly affect resolution of the Northwest Passage dispute because if Canada were to subordinate its claims to either, it might lose any leverage it holds in the Arctic region.*” (Jarashow-Runnels-Svenson, 2006: 1594) In other words, in those days the dispute might have

more constructivist character, than it had in the past. However, the recent development related to Hans Island and the establishment of a joint task-force aiming to resolve the dispute as soon as possible in order, to avoid further conflict just symbolizes the power of neoliberalism. Both states had neorealist tendencies to have the sovereignty over the Island, in the past. But, they also recognize the importance of friendly and peaceful international relations, that are beneficial for all the stakeholders in terms of economic and political cooperation, in those days.



## 6. Settlement of a territorial dispute

In the following chapter, we are going to briefly examine the possibilities of a territorial dispute settlement, with an emphasis on the most suitable options for the case of Hans Island. In the book *Territorial Disputes and Conflict Management*, the author Guo Rongxing lists six territorial dispute settlement choices: “(1) *fair division scheme*; (2) *joint management scheme*; (3) *international peace-park*; (4) *neutral zone*; (5) *buffer zone*; and (6) *demilitarized zone*.” (Guo, 2012: 85). Moreover, the role of the International Court of Justice will be outlined at the end.

### *Fair division scheme*

A fair division scheme is advantageous, because it can solve the dispute definitively, although it might not be the best option for recipient, neither the exact same share for everyone. It is a procedure during which a piece of land is fairly divided between two or more sovereign states, which have previously claimed their rights over the disputed territory; by establishing an agreed boundary, that divide the land into two or more sectors. The sectors would become respectively under jurisdiction of quarrelling parties. As the simplest form of fair division scheme, Guo identify the territorial exchange. (Guo, 2012) In practice, sovereign states would swap their territories, whether populated or empty based on those principles:

- *swapping of territories according to their demographic characteristics*
- *vital-to-existence*
- *easy access*
- *principle of symmetry (same importance to both sides)*
- *principle of reciprocity (different strategic values to both sides)* (Guo, 2012: 86)

Moreover, the territorial exchange must occur with comparative advantages to both sides.

In case of Hans Island, this option seems to be applicable. There are two sovereign states quarrelling over a piece of empty territory, that has more or less equal strategical importance for both sides. The island could be divided in half by connecting the two points of maritime boundary established in 1973, and each party would have assigned the half under its jurisdiction. The newly established land border would be a remote boundary between Canada and the Arctic.

### *Joint management scheme*

Even though, a fair division scheme is considered to be the best for absolute territorial or border dispute settlement, a joint management scheme is an option with high potential of

peaceful resolution of a dispute over a territory. The concept is based on “*resource sharing, environmental protection, promotion of dispute settlement and cross-border cooperation.*” (Guo, 2012: 94) As we have mentioned, fair division scheme is not always resulting into the same share for all the parties, thus, when natural resources are in stake, the previous option is not favourable. Therefore, when resources are in stake a joint management seems to be a better option including all stakeholders and at the same time, protecting the environment. “*In short, a joint management scheme is an ideal pattern for the exploitation and exploration of natural and environmental resources in disputes areas.*” (Guo, 2012: 96) Moreover, there are more than one scheme of joint management to follow.

The joint management scheme could be also a settlement option for the territorial dispute over Hans Island regarding the fact, that Canada and Denmark are both, even though not expressively, interested in the potential natural resources in the seabed around the Island. If they would agree on the joint management scheme, they would only continue with their collaboration on maritime protection in the Arctic and cooperation on the scientific research in the area, plus both countries could have jointly manage the resources within the established joint management zone. Moreover, they are already cooperating on several domains in the Arctic.

#### *International peace-park*

In some cases, the disputed areas can be remote and vulnerable to any environmental damages. In order, to cooperate for hostile nations, rather than fight, quarrelling states can create an international peace-park, which symbolizes (also by the name) “*mankind’s capacity for friendship.*” (Guo, 2012: 104) At the same time, the cross-border resources are managed in cooperation by promotion and protection of environment and further escalation of conflict is prevented. (Guo, 2012) The great example is Waterton-Glacier International Peace-Park established in 1932, that had been disputes territory between Canada and the US in the past. However nowadays, both countries cooperate in the Park within the environmental protection.

#### *Neutral zone*

In a neutral zone, wherein all parties remain neutral in their foreign policies. The concept is narrowly defined, and the rights and duties of neutral states can be found in the Convention Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land from 1907. In short, a state which decide to become neutral towards belligerent parties is bound by an international treaty. Guo also points out that larger the neutral zone between disputants is, the lower is the probability of conflict. (2012)

In our case, the neutral zone is not necessary. Canada and Denmark have a territorial dispute over Hans Island, but the character of the dispute is not aggressive, and they are not belligerents, since there is no military conflict.

#### *Buffer zone*

A buffer zone is usually used when a territorial or boundary dispute is unmanageable and the militarized conflict inevitable. In practice, a neutral area between hostile states is created, in order, to avoid conflict to happen in certain areas. Usually, such area is monitored by a third party. None of the disputant can harm peacekeepers or violate the agreements without results of international pressure. However, the zone can be used for potential negotiations. (Guo, 2012)

Again, there is no military conflict on Hans Island, and both Canada and Denmark are cooperating countries, that are willing and able to discuss the problem. There is no need of a third party to be involved, neither to create a buffer zone out of Hans Island.

#### *Demilitarized zone*

A demilitarized zone is a kind of international border. It is an area with its own borders on each side separating two or more states. Any military activity or presence is prohibited within the area. A demilitarized zone is similar to the buffer zone, but it is considered to be the last possible option of a cross-border dispute settlement. A demilitarized zone is not accurate for the case of Hans Island. The reasons are the same as for the two previously introduced options. There is no military conflict going on Hans Island, disputants are not belligerents and do not intend to militarize the area.

#### *Third party arbitration*

According to the UNCLOS, if two disputing states are unable to reach an agreement and settle the dispute by peaceful means of their own choice, any dispute should be submitted as a request to the arbitral tribunal or International Court of Justice. (UNCLOS, 1982) The ICJ gives importance to the clearly defined treaties concerning the demarcation of a boundary between two sovereign states. In case no treaty exists, the Court might consider the doctrine *uti possidetis*<sup>20</sup> or considers “*customary uses of the disputed territory by the disputing parties.*” (Uddin, 2016: 31) If those elements are absent, the ICJ generally chooses equitable principle based on geographical, cultural and historical claims made by the disputing parties.

---

<sup>20</sup> The disputed territory or object remains within the sovereignty of its possessor.

Canada and Denmark had made a bilateral agreement concerning the maritime boundary in 1973, however it explicitly leaves out the land of Hans Island. Moreover, the Island has not been possessed or controlled by any nation in the past. Only the last element, the customary use seems to be applicable in case of Hans Island. From geological perspective based on Danish surveys, Hans Island “*is geologically more in common with Washington Land in Greenland than with Ellesmere Island.*” (Kristiansen, 2013: 38) Nevertheless, scholars believe, that if the case would be brought to the ICJ, the Court would not with high probability grant the sovereignty to any of the disputing countries in order, to avoid a creation of precedence in public international law, that might have unwanted outcomes on the global peace and security.

Overall, the last three options for territorial dispute settlement proposed by R. Guo are not relevant for the case of Hans Island, since no war or militarization is present in the area. Moreover, both countries have cooperated in many domains within the Arctic and have multiple times expressed their will to cooperate also on the solution for Hans Island. Therefore, the most accurate are the first three choices: fair division scheme, joint management scheme or international peace-park. However, given the fact that Hans Island is just a barren, uninhabited rock in the middle of a sea, it seems such establishment is also not needed. Thus, first two options are the most relevant in our case. The Island could be divided equally between Canada and Denmark or both countries could share authority over the land together and manage natural resources in cooperation. Notwithstanding the fact, that there are at least two possibilities of dispute settlement for the case of Hans Island to be considered by Canada and Denmark, both countries should try their best to find a solution that both could benefit from. As Michael Byers points out, there are tendencies to declare the Island to be an Inuit Land. Inuit might claim their historic rights over the Island and “*wish to manage the new border or condominium. [...] The Inuit might even wish to claim title over Hans Island.*” (2014: 6) Consequently, Denmark and Canada prefer to resolve the dispute by diplomatic means and bilateral negotiations. They expressed the will in 2005, at occasion of the 60<sup>th</sup> anniversary of their bilateral diplomatic relations. (Joint Statement, 2005)

## 7. Conclusion

To sum up, there is no doubt that the Arctic region is changing and bringing up not only new challenges related to the environmental protection and melting the ice cap, but also it brings new opportunities for shipping industry or natural resources exploration and exploitation. During the past years, a geopolitical interest in the region arose dramatically, mainly due to sovereignty uncertainties. The interest has been shown not only by Arctic countries, but also by remoted international powers. However, the Arctic countries would like to keep the High North for themselves. Thus, they strive for carving it into pieces of territories, over which they would have sovereign rights and control. Such a drive for a new territory creates disputes between states, when the territorial claims they have made overlap and the Law of the Sea is insufficient to resolve the situation. That was also the case of Canada and Denmark, two Arctic states struggling to solve the dispute over Hans Island. In the paper we have aspired to answer the research question: *Why is the dispute over Hans Island long-lasting?* The analysis was based on the principles of neorealism and neoliberalism. To answer the research question, we are going to first answer the sub-questions presented in the introduction.

First, the dispute over Hans Island began in 1970's. In 1973, Canada and Denmark made an agreement about the maritime boundary in the Nares Strait, which is a waterway dividing their Arctic territories and at the same time, location of the disputed Island. However, at the time of maritime boundary delimitation, they were not willing to deal with the uncertain boundary through the Island, so they just skipped Hans Island. After few years, both states began to show their sovereignty over the Island by occasional military visits and exchange of national flags. None of those acts in the past cause a further military conflict and both states remain positive about their mutual relationship and cooperation in the Arctic.

Second, according to the analysis findings, there had been initiated several attempts to discuss and solve the dispute, nevertheless, without any final solution. The mutual relationship of both states is often described and friendly. In this case, we are not talking about two belligerent parties unable to negotiate or talk about political matters and different views of the issue. There is not need of a third party to resolve the issue, yet the dispute seems with no end in sight. As both states are willing to cooperate on finding the solution at first sight, we have to look more deeply into the issue. After the analysis, it feels like Canada and Denmark show their will and efforts, but at the same time are not eager to solve the dispute as it might be perceived as the sovereignty failure in protecting national interests and territory.

At last, there are several possible solutions for the case of Hans Island. The first is fair division of the island with a boundary through its middle, connecting the points of settled maritime boundary. However, given the fact, that neither Canada nor Denmark are willing to give up a part of the Island, that option would have to be coupled with compromises from both states. The second option though seems to be the best for case of Hans Island. A condominium or joint management over the Island would be based on their mutual cooperation in the area. Considering the fact, that both countries already cooperate on many domains in the Arctic, Hans Island would be just another place of cooperation. Moreover, it could symbolize a peaceful settlement of a territorial dispute based on friendly relationship. Hans Island could be also presented to the rest of the world as an example of avoiding further escalation of the conflict and successful cooperative management. Whatever the solution will be in the future, it would have a geopolitical impact on the international affairs within the Arctic region, and potentially elsewhere in the world.

## 8. Bibliography

- AFA. 2008. *Unsettled border dispute in the Arctic: The Hans Island – case*. [online]. 2008. [Accessed 25-05-2018]. Available online: <http://afa.at/vimun/review/2008ICJ-Abstract.pdf>.
- BALDACCHINO, G. 2017. *Solution protocols to festering island disputes*. Routledge, 2017. 230 p. ISBN 9781317158226.
- BARANIUK, C. 2015. *The barren islands that countries never stop fighting over*. [online]. 17 November 2015. BBC. [Accessed 20-05-2018]. Available online: <http://www.bbc.com/future/story/20151117-the-islands-that-countries-never-stop-fighting-over>.
- BARKHAM, P. 2014. *Why does Denmark think it can lay claim to the North pole?* [online]. 16 December 2014. [Accessed 19-05-2018]. Available online: <https://www.theguardian.com/world/shortcuts/2014/dec/16/why-denmark-thinks-it-can-lay-claim-to-north-pole>.
- BAYERS, M. 2014. Creative thinking over sovereignty. In: *Options politiques*. [online]. 2014. [Accessed 22-05-2018]. Available on: <http://irpp.org/wp-content/uploads/assets/po/opening-eyes/byers.pdf>.
- BJORNSSON, I. 2016. The tale of Hans Hendrik. In: *The Arctic Journal*. [online]. 3 November 2016. [Accessed 22-5-2018]. Available on: [https://arktiskinstitut.dk/fileadmin/files/arktiskinstitut/pdf/05\\_The\\_tale\\_of\\_Hans\\_Hendrik\\_\\_\\_The\\_Arctic\\_Journal-1.pdf](https://arktiskinstitut.dk/fileadmin/files/arktiskinstitut/pdf/05_The_tale_of_Hans_Hendrik___The_Arctic_Journal-1.pdf).
- BOULDING, K. 2012. *Conflict and Defense: A general theory*. NY: Literary Licensing LLC, 2012. 349 p. ISBN 9781258451523.
- BROSNAN, I.G. 2011. *Cooperation or Conflict in a Changing Arctic?*. [online]. 42:1-2, 173-210, DOI. [Accessed 10-05-2018]. Available online: <https://www.tandfonline.com/doi/abs/10.1080/00908320.2011.543032>.
- BRUNET-JAILLY, E. 2015. *Border disputes: A global encyclopedia*. ABC-CLIO, 2015. 1218 p. ISBN 9781610690249.
- BULL, H. 1977. *The Anarchical Society: A study of order in world politics*. NY: Palgrave Macmillan, 1977. 360 p. ISBN 9780230393400.

CANADIAN PRESS. 2007. *Satellite imagery moves Hans Island boundary*: report. [online]. 26 July 2007. [Accessed 22-05-2018]. Available on: <http://www.cbc.ca/news/technology/satellite-imagery-moves-hans-island-boundary-report-1.684285>.

CIA. 2018. The world fact book. [online]. 2018. [Accessed 01-05-2018]. Available online: <https://www.cia.gov/library/publications/the-world-factbook/geos/ca.html>.

CLACKSON, A. 2011. *Conflict and Cooperation in Interantional Relations*. [online]. 1<sup>st</sup> February 2011. [Accessed 10-05-2018]. Available on: <http://www.e-ir.info/2011/02/01/conflict-and-cooperation-in-international-relations/>.

DAVIS, D. 2011. *Arctic sovereignty disputes: international relations theory in the high north*. [online]. 2011. [Accessed 25-04-2018]. Available online: <https://calhoun.nps.edu/bitstream/handle/10945/10589/11Dec%255FDavis%255FDarrin.pdf?sequence=1&isAllowed=y>.

DAWES, P.R.-TUKIAINEN, T. 2008. Hans Ø, celebrated island of Nares Strait between Greenland and Canada: from dog-sledge to satellite mapping. In: *GEOLOGICAL SURVEY OF DENMARK AND GREENLAND*. [online]. 2008. P. 77–80. Ministry of climate and energy. [Accessed 28-05-2018]. Available online: [http://www.eng.geus.dk/media/12242/nr15\\_p01-96.pdf](http://www.eng.geus.dk/media/12242/nr15_p01-96.pdf).

DENTON, M. 2012. Photography of Hans Island. [online]. 2012. [Accessed 01-04-2018]. Available online: <https://fineartamerica.com/featured/hans-island-mike-denton.html>.

DURHAM UNIVERSITY. 2018. *Arctic maps*. [online]. 2018. [Accessed 04-05-2018]. Available online: <https://www.dur.ac.uk/ibru/resources/arctic/>.

FRIZZEL, S. 2018. *Truce? Canada, Greenland, Denmark inch closer to settling decades-old spat over Hans Island*. [online]. 28 May 2018. CBC. [Accessed 29-05-2018]. Available online: <http://www.cbc.ca/news/canada/north/canada-denmark-battle-ownership-hans-island-1.4679142>.

HALL, Ch. F. 1876. *Full Text of "Narrative of the North Polar Expedition U.S. Ship Polaris, Captain Charles Francis Hall Commanding*. [online]. 1876. *Internet Archive: Digital Library of Free Books, Movies, Music & Wayback Machine*. [Accessed 20 May 2018]. Available online: [http://www.archive.org/stream/narnorthpolar00davarich/narnorthpolar00davarich\\_djvu.txt](http://www.archive.org/stream/narnorthpolar00davarich/narnorthpolar00davarich_djvu.txt).



- HEAD, I. 2012. Canadian claims to territorial sovereignty in the Arctic regions. In: *McGill Law Journal*. [online]. 1963. CIA. VOL. 9. No. 3. [Accessed 20-05-2018]. Available online: <https://www.cia.gov/library/readingroom/docs/CIA-RDP08C01297R000800210012-0.pdf>.
- HOLLAND, C. 1994. *Arctic Exploration and Development c. 500 B.C. to 1915: An Encyclopedia*. New York and London: Garland, 1994. 704 p. ISBN 9780824076481.
- HUDSON, R. 1982. Direction of glacial flow across Hans Island, Kennedy Channel, N.W.T., Canada. In: *Journal of Glaciology*. [online]. 29(102), 353-354. [Accessed 18-05-2018]. Available online: <https://www.cambridge.org/core/journals/journal-of-glaciology/article/direction-of-glacial-flow-across-hans-island-kennedy-channel-nwt-canada/7841E4E1C981486DA4B750BAB27BAB8B>.
- HUMPHREYS, A. 2012. *New proposal would see Hans Island split equally between Canada and Denmark*. [online]. 11 April 2012. [Accessed 22-05-2018]. Available on: <http://nationalpost.com/news/canada/new-proposal-would-see-hans-island-split-equally-between-canada-and-denmark>.
- HUTH, P.K. 1998. *Standing your ground: Territorial disputes and International conflict*. University of Michigan Press, 1998. 288 p. ISBN 978-0-472-08520-0.
- GOERTZ, G.-DIEHL, P.F. 1992. *Territorial changes and international conflict*. London: Routledge, 1992. 180 p. ISBN 0-415-07597-1.
- GOVERNEMENT OF CANADA. 2017. *Canada and Denmark relations*. [online]. 5 September 2017. [Accessed 18-05-2018]. Available online: <http://international.gc.ca/world-monde/denmark-danemark/relations.aspx?lang=eng>.
- GOVERNEMENT OF CANADA. 2018. *Canada and the circumpolar Arctic*. [online]. 2018. [Accessed 28-05-2018]. Available online: [http://international.gc.ca/world-monde/international\\_relations-reactions\\_internationales/arctic-arctique/index.aspx?lang=eng](http://international.gc.ca/world-monde/international_relations-reactions_internationales/arctic-arctique/index.aspx?lang=eng).
- GOVERNEMENT OF CANADA. 2017. *Canada's Arctic Foreign Policy*. [online]. 2017. [Accessed 20-05-2018]. Available online: [http://international.gc.ca/world-monde/international\\_relations-reactions\\_internationales/arctic-arctique/arctic\\_policy-canada-politique\\_arctique.aspx?lang=eng](http://international.gc.ca/world-monde/international_relations-reactions_internationales/arctic-arctique/arctic_policy-canada-politique_arctique.aspx?lang=eng).
- GUO, R. 2006. *Territorial Disputes and Resource Management: A Global Handbook*. Nova Publishers, 2006. 299 p. ISBN 9781600214455.

GUO, R. 2012. *Territorial Disputes and Conflict Management*. NY: Routledge, 2012. 206 p. ISBN 978-0-415-68209-1.

JACOBSEN, M. 2016. *Denmark's strategic interests in the Arctic: It's the Greenlandic connection, stupid!*[online]. 4th May 2016. The Arctic Institute. [Accessed 18-05-2018]. Available online: <https://www.thearcticinstitute.org/denmark-interests-arctic-greenland-connection/>.

JARASHOW, M.-RUNNELS, M.B.-SVENSON, T. 2006. UNCLOS and the Arctic: The Path of Least Resistance. In: *Fordham International Law Journal*. [online]. 2006. Vol. 30. Issue 5. Art. 9. [Accessed 20-05-2018]. Available online: <https://ir.lawnet.fordham.edu/ilj/vol30/iss5/9/>.

JOINT STATEMENT. 2005. *Canada-Denmark joint statement on Hans Island*. [online]. 19 September 2005. [Accessed 28-05-2018]. Available online: <http://byers.typepad.com/arctic/canadadenmark-joint-statement-on-hans-island.html>.

KEOHANE, R. O. 1988. *International Institutions: two approaches*. In *International Studies Quarterly* [online]. 1988, vol. 32, no.4, pages 379-396. [Accessed 10-04-2018]. Available online: [https://edisciplinas.usp.br/pluginfile.php/161137/mod\\_resource/content/1/Keohane%201988%20-%20International%20Institutions%20-%20two%20approaches.pdf](https://edisciplinas.usp.br/pluginfile.php/161137/mod_resource/content/1/Keohane%201988%20-%20International%20Institutions%20-%20two%20approaches.pdf).

KESKITALO, C. 2007. International Region-Building Development of the Arctic as an International Region. In: *Cooperation and Conflict*. [online]. 2007. 42(2), p. 187-205. [Accessed 02-04-2018]. Available on: <http://cac.sagepub.com/content/42/2/187.full.pdf+html>.

KRISTIANSEN, R. 2013. Desolate Dispute: A Study of a Hypothetical International Court of Justice (ICJ) Decision. In: *Canadian Military Journal*. [online]. Vol.13, no.3, 2013. [Accessed 19-05-2018]. Available online: <http://www.journal.forces.gc.ca/vol13/no3/doc/Kristiansen-Pages3441-eng.pdf>.

LAND INFORMATION NEW ZEALAND. 2018. *Maritime boundary definition*. [online]. 2018. [Accessed 16-05-2018]. Available on: <https://www.linz.govt.nz/sea/nautical-information/maritime-boundaries/maritime-boundary-definitions>.

McGWIN, K. 2018. *Denmark, Canada agree to settle Hans Island dispute*. [online]. 24 May 2018. [Accessed 29-05-2018]. Available online: <https://www.arctictoday.com/denmark-canada-agree-come-agreement-disputed-island/>.

- MEARSHEIMER, J. J. 2001. *The Tragedy of Great Power Politics*. [online]. New York: Norton & Company, 2001. [Accessed 20-04-2018]. Available online: <https://samuelbhfauredotcom.files.wordpress.com/2015/10/s2-mearsheimer-2001.pdf>.
- MINISTRY OF FOREIGN AFFAIRS OF DENMARK. 2018. *The Arctic*. [online]. 2018. [Accessed 20-05-2018]. Available online: <http://um.dk/en/foreign-policy/the-arctic/>.
- MINISTRY OF FOREIGN AFFAIRS OF DENMARK. 2011. *Kingdom's strategy for the Arctic 2011- 2020*. [online]. Rosendahls-Shultz grafisk a/s. August 2011. [Accessed 20-05-2018]. Available online: <http://um.dk/~media/UM/English-site/Documents/Politics-and-diplomacy/Greenland-and-The-Faroe-Islands/Arctic%20strategy.pdf?la=en>.
- MORGENTHAU, H. J. 1985. *Politics among nations: The struggle for power and peace*. Knopf, 1985. 688 p. ISBN 9780394541013.
- NPR. 2005. *Who owns Hans Island?*. [online]. Transcript from Morning Edition, Washington, D.C. 2005. [Accessed 19-05-2018]. Available online: <https://www.npr.org/templates/transcript/transcript.php?storyId=4797368>.
- OFFICE OF THE GEOGRAPHER. 1976. *Continental shelf boundary: Canada – Greenland*. [online]. Limits in the sea No. 72, 4 August 1976. [Accessed 20-05-2018]. Available online: <https://www.state.gov/documents/organization/61370.pdf>.
- ROMAN, R. 2016. *Settling Sovereignty Claims over the Hans Island*. [online]. 15 March 2016. [Accessed 20-05-2018]. Available on: [https://medium.com/@The\\_Pub/settling-sovereignty-claims-over-the-hans-island-59f6b0822450](https://medium.com/@The_Pub/settling-sovereignty-claims-over-the-hans-island-59f6b0822450).
- SEVUNTS, L. 2016. *Canada to submit its Arctic continental shelf claim in 2018*. [online]. 3<sup>rd</sup> May 2016. [Accessed 19-05-2018]. Available online: <http://www.rcinet.ca/en/2016/05/03/canada-to-submit-its-arctic-continental-shelf-claim-in-2018/>.
- SHARP, G. 2018. *A brief history of line in the Arctic*. [online]. 20 March 2018. [Accessed 21-05-2018]. Available online: <https://www.thearcticinstitute.org/brief-history-lines-arctic/>.
- SHIRAEV, E.B.-ZUBOK, V.M. 2015. *International realtions*. NY: Oxford University Press, 2015. 378 p. ISBN978-0-19-976556-0.

SMIRNOV, S. 2012. *Maritime Security and Arctic Issues: Challenges, Threats, and the Human Factor*. [online]. 2012. [Accessed 12-05-2018]. Available online: <https://apcss.org/wp-content/uploads/2012/09/Chapter6.pdf>.

STEVENSON, CH. 2007. Hans Off!: The Struggle for Hans Island and the Potential Ramifications for International Border Dispute Resolution. In: *Boston College International and Comparative Law Review*. [online]. 2007. Vol. 30, Issue 1, Article 16. [Accessed 20-05-2018]. Available online: <http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1099&context=iclr>.

UDDIN, M. 2016. Hans Island: How to Resolve the Dispute? In: *Current developments in Arctic Law*. [online]. Finland: University of Lapland, 2016, vol. 4., p. 30-33. ISSN 2343-3418. [Accessed 28-05-2018]. Available online: <http://urn.fi/URN:NBN:fi:ula-201705291190>.

UN. 1982. *United Nations Convention on the Law of the Sea*. [online]. 10 December 1982. 202 p. [Accessed 02-05-2018]. Available online: [http://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf).

UNIVERSITY OF LAPLAND-ARCTIC CENTER. 2018. *Definitions of the Arctic region*. [online]. 2018. [Accessed 15-05-2018]. Available on: <https://www.arcticcentre.org/EN/communications/arcticregion/Maps/definitions>.

WALTZ, K. N. 2010. *Theory of international politics*. Waveland Press, 2010. 251p. ISBN 1478610530.

WALTZ, K.N. 1988. The origins of war in neorealist theory. In: *The Journal of Interdisciplinary History*. [online]. 1988, Vol. 18, No.4, pp. 615-628. [Accessed 31-04-2018]. Available online: <http://users.metu.edu.tr/utuba/Waltz.pdf>.

WAYMAN, F.W.- DIEHL, P.F. 1994. *Reconstructing realpolitik*. University of Michigan Press, 1994. 293 p. ISBN 9780472082681.

WEBER, B. 2015. *Canada, Denmark should turn Hans Island into a condominium: academics*. [ONLINE]. 12 November 2015. The Canadian Press. [Accessed 21-05-2018]. Available on: <http://www.cbc.ca/news/canada/north/canada-denmark-should-turn-hans-island-into-a-condominium-academics-1.3315640>.

WWF GLOBAL. 2017. *Climate change in the Arctic*. [online]. 2017. [Accessed 29-04-2018].

Available on:

[http://wwf.panda.org/knowledge\\_hub/where\\_we\\_work/arctic/what\\_we\\_do/climate/](http://wwf.panda.org/knowledge_hub/where_we_work/arctic/what_we_do/climate/).