

**U.S. Arctic Policy:
Reproducing Hegemony in a Maritime Region**

by

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**Submitted for Publication in *International Security and the Arctic: Examining the Theories and Policies of Circumpolar Politics*
Robert W. Murray and Anita Dey Nuttall (eds.)
Cambria Press**

**August 2012
September 2012 revision, 2nd ed.**

“The United States is an Arctic nation, with varied and compelling interests in that region.”

-- United States Arctic Region Policyⁱⁱ

“As a nation, the United States views the Arctic with relatively minimal interest compared to every other Arctic nation ... The United States is not focused on the Arctic, and, for the most part, other countries prefer it to be that way.”

-- Cdr. James Kraska (U.S. Navy)ⁱⁱⁱ

These two quotations point to a seeming contradiction in U.S. Arctic policy. Put simply, is the United States concerned or not about its northern frontier? How can Commander Kraska assert that the United States “is not focused on the Arctic” when just three years earlier the U.S. government, in a national policy document drafted in part by that same Commander Kraska,^{iv} declared that the United States has “varied and compelling interests” there?

As this chapter illustrates, the two quotations, while certainly reflecting different aspects of U.S. policy, are not as contradictory as they might seem. The United States has few concerns about the Arctic as a pressing security threat, notwithstanding fears raised in the popular press about a likely scramble for Arctic riches and ensuing resource wars.

Furthermore, in contrast with most Arctic nations, the region plays little role in the country's national identity. Nor does the Arctic have a significant role as a driver of the nation's overall global policy positions.

However, the United States, as a leading global military and commercial power, is concerned about *stability*. From this perspective, the Arctic is viewed as a site of possible instability in the global political system. Climate change, increased resource demand, and technological advances are leading state and non-state Arctic players to experiment with governance in the region in ways that, in the eyes of the United States, might set disruptive precedent. Thus, the United States looks warily at the region as a site of potentially dangerous institutional experimentation that, if adopted, could have global ramifications that would challenge some of the fundamental legal principles and norms that underpin U.S. hegemony. This has led the United States to display the curious mix of disinterest and interest suggested in the two quotations that began this chapter: Relative disinterest in the Arctic as a place in itself or as a focal point of U.S. global policy is coupled with a high level of interest in the Arctic as a region in which responses to emergent challenges and opportunities could potentially undermine the global political-economic system of which the United States is a world leader.

The Arctic as a Maritime Domain

The starting point for any analysis of U.S. Arctic Policy is the Arctic Region Policy Presidential Directive.^v Officially known as National Security Presidential Directive 66 / Homeland Security Presidential Directive 25, and more often referred to as NSPD-66, this policy document was signed by President George W. Bush on January 9, 2009, after the November 2008 presidential election and just eleven days before Barack Obama was to assume office. Despite the timing, which might suggest political motivations to formalize policy prior to the change of government, interviews with several individuals involved in the drafting process suggest that the document was written with little partisan conflict. In any event, NSPD-66 has largely been adopted by the Obama administration.

The document's drafting was spurred by the realization that climate change, technological advances, and rising energy prices might in the near future lead to new economic opportunities and political challenges in the region. More directly, the impetus for the document—which superseded a 1994 classified policy that covered Antarctica as well as the Arctic—occurred in 2007 when Russia planted its flag on the seabed at the North Pole.^{vi} The Russian flag-planting, although not explicitly intended to claim the North Pole as Russian territory, elicited angry reactions from foreign ministries of other Arctic nations. For instance, Canada's Foreign Minister Peter MacKay paired a rejection of Russia's claim ("This isn't the 15th century. You can't go around the world and just plant flags and say, 'We're claiming this territory'") with an aggressive counter-claim ("The question of sovereignty of the Arctic is not a question. It's clear. It's our country. It's our property. It's our water....The Arctic is Canadian").^{vii} Sensing a potential battle for Arctic resources, the popular media spawned a range of books with titles such as *Arctic Gold Rush*,^{viii} *Arctic Doom*, *Arctic Boom*,^{ix} and *The Scramble for the Arctic: Ownership, Exploitation, and Conflict in the Far North*,^x while a frequently cited *Foreign Affairs* article warned of an impending "Arctic meltdown."^{xi} In contrast, the United States' response to the flag-planting episode was simply dismissal: "It was an amazing technological feat, but nothing else," remarked one State Department official interviewed, while another U.S. government official noted, "From a governmental perspective we don't get exercised by flags being planted along the Lomonosov Ridge." This reaction echoed the more general U.S. position that, even amidst new economic opportunities and increased interest of states and other parties from within and beyond the region, the Arctic can be managed within existing national and international institutional, policy, and legal frameworks. It was in this context that NSPD-66 was issued, as a proactive re-statement and elaboration of United States interest in the region as well as serving as a framework for guiding future efforts there.^{xii}

Perhaps the foundational sentence in NSPD-66 can be found near the beginning of the main section on policy: "The Arctic region is primarily a maritime domain."^{xiii} As such, and because "freedom of the seas is a top national priority,"^{xiv} all responses to changes in the

region must be guided by the overriding principle of guaranteeing these freedoms: principally the freedom of navigation and, secondarily, a more general principle mandating freedom of access to living and non-living resources. Because these principles are enshrined in the United Nations Convention on the Law of the Sea (UNCLOS),^{xv} which the United States has committed to following as customary law, the United States maintains that no additional broad-reaching international framework is necessary for Arctic governance. Indeed, the United States has consistently held that the Arctic is just like any other ocean, notwithstanding its often frozen state,^{xvi} and in recent years it has expanded on this position to maintain that it therefore must be governed within the UNCLOS framework.^{xvii}

Of course, these two sets of freedoms—freedom of navigation and freedom of access to living and non-living resources—are often in conflict with each other. Compromises made by the United States during the UNCLOS negotiations, particularly pertaining to the establishment of Exclusive Economic Zones, reveal that when necessary the United States has found it expedient to sacrifice some resource extraction access in exchange for navigational rights.^{xviii} Of more direct relevance here, however, is how the U.S. delegation reacted when faced with proposals in which *both* navigational access and resource extraction access were being threatened, from either of two directions, *internationalization* or *territorialization*. On the one hand, the United States perceived that open access was being threatened by calls for intensified management of the sea by a self-funding international treaty organization. This concern was evidenced by the U.S.’ reluctance to support global governance of the international seabed as the “common heritage of mankind” and, when it became clear that UNCLOS was to go into force, its insistence that the International Seabed Authority’s powers be reduced through the 1994 Part XI Implementation Agreement.^{xix} Wariness about establishing an international institution that could override free access to the sea persists today in Congressional refusal to accede to UNCLOS. Conversely, the U.S. position toward UNCLOS has also been guided by the parallel concern that open access would be threatened if increasing portions of ocean-space were to be claimed as territory by coastal states. Indeed, initial U.S. support for the UNCLOS process in the 1950s was in large part precipitated by

several states, particularly in Latin America, seeking to extend the breadth of the waters over which they claimed sovereign jurisdiction.

Most analysts, inside and outside of government, feel that UNCLOS successfully institutionalizes a middle ground that avoids the extremes of either internationalization or territorialization (although conservatives in the U.S. who oppose accession because it would require a surrender of sovereignty contend that there is still too much internationalization in the Convention). However, these twin concerns continue to guide U.S. ocean policy, including in the Arctic, as U.S. officials, somewhat awkwardly, seek to protect the integrity of a Convention that their legislature has refused to ratify. According to NSPD-66 as well as various statements and writings by individuals associated with its drafting and implementation,^{xx} cooperation with other nations in bilateral and multilateral fora, realization of economic opportunities, engagement with indigenous peoples, and protection of the environment should all be undertaken in the region, but always with the caution that such efforts must not endanger the fundamental maritime freedoms that are enshrined in UNCLOS.

Defending against Further Territorialization

The United States' vigilance against increased territorialization in Arctic waters is evidenced in the various protests it has made against straight baseline and historic waters claims that have been asserted by each of the four other Arctic coastal states – Canada, Denmark, Norway, and Russia.^{xxi} Most recently, the State Department has filed a Diplomatic Note objecting to Canada's declaration that vessels entering its northern waters (whether internal waters, territorial waters, or exclusive economic zone) must notify Transport Canada through participation in Canada's NORDREGs scheme.^{xxii} While the United States acknowledges that Article 234 of UNCLOS gives coastal states special rights to institute environmental protections in adjacent waters (including EEZ waters) that are ice-covered for most of the year, the Diplomatic Note asserts that it finds mandatory NORDREGs participation to be an excessive extension of Article 234. Following a series of legal reasons for its protest, as well as a restatement of the U.S. position that similar efforts at protecting environmentally sensitive Arctic waters could be achieved through strengthening the International Maritime

Organization's code for ships operating in polar waters, the Diplomatic Note concludes with the following paragraph that reveals an underlying objection:

The United States noted with concern the references to "sovereignty" in the statements accompanying the regulations. The United States wishes to note that the NORDREGs do not, and cannot as a matter of law, increase the "sovereignty" of Canada over any territory or marine area.^{xxiii}

This policy opposing territorial control in Arctic waters is potentially problematic because the waters off the coast of Alaska are themselves resource rich (especially in gas and oil) and, particularly at a time when energy security is also a national priority, the United States might be loath to sacrifice access to offshore oil and gas reserves in return for guaranteeing freedom of navigation. NSPD-66, however, takes pains to show that there is no contradiction between access to Arctic waters for navigation and access for resource extraction:

The Secretaries of State, the Interior, Commerce, and Energy, in coordination with heads of other relevant executive departments and agencies, shall...continue to emphasize cooperative mechanisms with nations operating in the region to address shared concerns, recognizing that *most known Arctic oil and gas resources are located outside of United States jurisdiction.*^{xxiv}

By reminding readers that most oil and gas resources are located beyond United States sovereign control, NSPD-66 preemptively rebuts isolationists who, paralleling the charge that UNCLOS sacrifices U.S. sovereignty, might charge that the Policy's emphasis on keeping the ocean accessible could diminish the United States' rights to engage in resource extraction.

The other issue area that might conceivably lead the United States to support a higher level of territorial control in the Arctic is that of border security. Although increased U.S. territorial control in the High North is not on anyone's agenda, Paul Cellucci, U.S. Ambassador to Canada from 2000 through 2004, has advocated Canadian control of the Northwest Passage. Arguing from a post-September 11, 2001 security perspective, but in opposition to the official position of the U.S. government which maintains that the Passage is an international strait, Cellucci has suggested that U.S. security would be enhanced if Canadian control of the Passage were recognized. Cellucci's argument, which he has continued to make since leaving public service, is based on the calculation that would-be

terrorists seeking a back door to North America would more likely be stopped in Canadian territory than in an international (and thus largely unpoliced) strait.^{xxv}

However, Cellucci's proposal has received no traction in U.S. policy circles; for instance, a staffer with the U.S. Senate Foreign Relations Committee remarked in an interview that he had never heard that Arctic policy proposal. This suggests that just as keeping other nations from encroaching on U.S. mineral resources is not a driving force behind U.S. Arctic policy neither is homeland security (which is not to be confused with the military objective of maintaining free transit through the Arctic for U.S. warships and submarines). As historian Elizabeth Elliot-Meisel has noted, "The Passage is an issue of precedent and principle, not one of national security,"^{xxvi} with the concern here being specifically the precedent that recognition of the Passage as Canada's internal waters would have for other international straits in which free transit is guaranteed under UNCLOS. As NSPD-66 states in its paragraph reaffirming the position that the Northwest Passage and the Northern Sea Route are international straits, "Preserving the rights and duties relating to navigation and overflight in the Arctic region supports our ability to exercise these rights throughout the world, including through strategic straits."^{xxvii}

Defending against Further Internationalization

Just as the United States—in its overall ocean governance strategy, but also specifically in the Arctic—is wary of increased territorialization, it is also wary of increased governance by a controlling international authority. As section III.C of NSPD-66 reiterates, the central platform for Arctic governance should be UNCLOS, and the Policy urges the Senate to accede to UNCLOS "promptly." Beyond that, the United States sees a role for the Arctic Council. However, paralleling its concerns about excessive territorialization through, for instance, expansive interpretations of UNCLOS Article 234, the United States is similarly wary of excessive internationalization through the Arctic Council exceeding its mandate.

In the first of three paragraphs in NSPD-66 that discuss the Arctic Council, the United States subtly puts the Arctic Council in its place:

The United States participates in a variety of fora, international organizations, and bilateral contacts that promote United States interests in the Arctic. These include the Arctic Council, the International Maritime Organization (IMO), wildlife conservation and management agreements, and many other mechanisms.^{xxviii}

By including the Arctic Council among a host of other organizations, NSPD-66 effectively removes from consideration any possibility that the Council's mandate might be expanded to provide an overall framework for Arctic governance. In case there is any ambiguity on this point, it is made explicit two paragraphs later:

The geopolitical circumstances of the Arctic region differ sufficiently from those of the Antarctic region such that an "Arctic treaty" of broad scope – along the lines of the Antarctic Treaty – is not appropriate or necessary.^{xxix}

Most intriguing, however, is the paragraph between these two, which, after extolling the contributions of the Arctic Council, states:

It is the position of the United States that the Arctic Council should remain a high-level forum devoted to issues within its current mandate and not be transformed into a formal international organization, particularly one with assessed contributions. The United States is nevertheless open to updating the structure of the Council, including consolidation of, or making operational changes to, its subsidiary bodies, to the extent such changes can clearly improve the Council's work *and are consistent with the general mandate of the Council.*^{xxx}

As a State Department official made clear in a 2010 interview, the "main point" of that section of NSPD-66 was that "we don't want [the Arctic Council] to become an international organization." As in the document itself, however, the State Department official was quick to note that the U.S. *was* open to expanding the Arctic Council's competencies. In this context, he mentioned the ongoing negotiation of a Search and Rescue Agreement (which was to be the first binding agreement negotiated under Arctic Council auspices and which was subsequently agreed upon at the Nuuk ministerial meeting in 2011), the report on short-lived climate forcers (which is the first Arctic Council working group study containing specific policy recommendations for governments, rather than simply assessing a situation), and the growing U.S. openness toward the establishment of a permanent secretariat (which also was subsequently agreed to in Nuuk in 2011). Nonetheless, even when showing an openness to giving the Arctic Council new powers and responsibilities, the State Department

(and the United States more generally) has been clear that the Arctic Council can only supplement, not supplant, UNCLOS as the foundation for governance in this maritime region.

A Tale of Four Cities: Montebello, Ilulissat, Chelsea, and Nuuk

In short, U.S. Arctic policy has sought to preserve the sanctity of UNCLOS while steering between the Scylla of territorialization and the Charybdis of internationalization. This can be illustrated further by tracing U.S. policy positions at four international meetings between 2007 and 2011.

First, at a meeting of the leaders of Canada, the United States, and Mexico in Montebello, Québec in 2007, President Bush proclaimed:

...There are differences [between the United States and Canada] on the Northwest Passage. We believe it's an international passageway. Having said that, the United States does not question Canadian sovereignty over its Arctic islands, and the United States supports Canadian investments that have been made to exercise its sovereignty.^{xxxii}

Here, President Bush was echoing the long-held U.S. position that the Arctic was not exceptional space. According to the norms of international law, land territory is part of the internal territory of one or another sovereign nation (in this case, Canada) and oceans are classified according to their function and relation to land as mandated by UNCLOS (in this case, the Northwest Passage falls under the regime for international straits, according to U.S. interpretation). Perhaps more remarkable than the fact that President Bush uttered these sentences is that in two separate interviews conducted in 2008 – one at the U.S. Embassy in Ottawa and one at the Pentagon – I was presented with hand-outs of slides from PowerPoint presentations that reprinted the final sentence (“The United States does not question Canadian sovereignty over its Arctic islands, and the United States supports Canadian investments that have been made to exercise its sovereignty”). Clearly the United States was prepared to assure the world (and, in particular, Canada) that its opposition to Canada’s claiming of the Northwest Passage as internal waters did not reflect a broader agenda of constructing the Arctic as an exceptional space, either under the control of the United States or the world community.

The United States made another attempt to avoid the twin dangers of territorialization

and internationalization the next year, when it met with representatives from the four other coastal Arctic states in Ilulissat, Greenland. In the declaration that emerged from Ilulissat, the five states reaffirmed:

[The UNCLOS] framework provides a solid foundation for responsible management by the five coastal States and other users of this Ocean through national implementation and application of relevant provisions. We therefore see no need to develop a new comprehensive international legal regime to govern the Arctic Ocean.^{xxxii}

Although the declaration also reaffirmed the five states' intention to be active members of the Arctic Council, other parties involved in the Arctic Council—most notably the three non-coastal Arctic states (Finland, Iceland, and Sweden) and the six indigenous peoples' organizations that have the status of permanent participants—expressed concern that the Council was being abandoned for a more exclusive and state-centric forum that would fail to give voice to the breadth of actors in the Arctic arena. In effect, the excluded parties, and most explicitly the Inuit Circumpolar Council, were arguing that the Arctic had exceptional properties as a maritime region and that the interests of various parties could not simply be represented by coastal states.^{xxxiii}

In 2010, the five coastal states (the Arctic 5, or the A5) met for a second time in Chelsea, Québec, where Secretary of State Clinton famously criticized the five-nation forum for excluding indigenous peoples and representatives of the three non-coastal states.^{xxxiv} In its support for the Arctic Council, the United States sought to negotiate a paradox in its position: Although the United States was seeking to achieve stability in the Arctic by reaffirming that the Arctic was just like any other maritime region (and thus should not be the site of either exceptional territorialization or exceptional internationalization), stability is best achieved under conditions of inclusion. In the case of the Arctic, inclusion required giving some status to parties beyond those who would typically be given a voice under the norms of international law.

Asked about the apparent change in the U.S. position between Ilulissat and Chelsea, a State Department official explained in an interview:

It would be a little bit of a misreading of the situation to say that we were enthusiastic

about Ilulissat, because we were not. There was some reason to do Ilulissat, not the least of which was that it was coming on the heels of the Russian flag planting, when all the world's media were talking about an impending war in the Arctic because the Arctic countries were all racing to claim the shelf up there, and one of the purposes of Ilulissat was to show that that is not what was happening. The second purpose that you will see in the Ilulissat Declaration is to explain that the Law of the Sea already provides sort of a framework for the Arctic, [and so] there is no need for some sort of overarching Arctic treaty that is going to govern the Arctic like the Antarctic.

The State Department official reveals here that Ilulissat was designed to counter trends toward *both* territorialization and internationalization. Primarily, the appeal to UNCLOS as the guiding framework for Arctic governance, and indeed the Ilulissat meeting itself, was designed to contradict the impression that a territorialization process was occurring in the region. Presumably this was deemed necessary because, if left unchecked, the impression that there was an ongoing competition could lead politicians and the general public in each coastal state to pressure their government to intensify its own territorialization efforts, which could lead to the “land grab”—or “ice grab”—that all parties feared. Secondly, however, Ilulissat was designed to stave off a backlash that could lead others to use the sense of an impending struggle for the Arctic to call for internationalization of the region.

The State Department official then went on to explain what happened at the 2010 Chelsea meeting:

In terms of Chelsea, the last line of the Ilulissat Declaration makes it clear that the Arctic Council is the main place where we should be doing high-level diplomacy,^{xxxv} [but] the idea of doing a second meeting of the A5 started to imply that there was sort of an ongoing process...[Secretary Clinton's] overall remarks were talking about areas of cooperation, but again making the point that for diplomatic purposes, for high-level diplomatic purposes, for circum-Arctic issues, the Arctic Council should be the place where we are doing that. We already have this organization, we already have this forum where we have all the major stakeholders, or most of the major stakeholders, involved. One of the real concerns with the A5 format was that there is no voice for the indigenous people at the table.

This statement reveals that the ideal situation, from the U.S. perspective, is primary reliance on UNCLOS as the guiding framework for Arctic governance (with Arctic states controlling land territory as sovereign space, and with the regime for the ocean incorporating UNCLOS' compromise of coastal state jurisdiction with freedom for navigation) but with the Arctic Council existing as a parallel organization that contributes additional stability to the system by facilitating cooperation and by giving voice to stakeholders whose interests otherwise

would not be heard.

This goal may well have been realized at the fourth Arctic meeting considered here, the 2011 Arctic Council ministerial meeting in Nuuk, Greenland. This meeting was unusual in that Secretary of State Clinton attended it personally, in contrast with most previous ministerials at which the United States had sent a lower-ranked State Department official to lead the delegation. At this meeting, in addition to establishing a permanent secretariat for the Arctic Council, the parties established the Arctic Council's first binding agreement, on search and rescue operations.^{xxxvi} In this document, the eight member nations established sectors wherein an individual nation would be responsible for search and rescue activities, and procedures were established for obtaining cooperation, including overflight rights, for such missions. The Agreement explicitly states that its proposal to share and allocate resources is consistent with UNCLOS and that the delineation of search and rescue sectors has no bearing on sovereignty claims.

As the U.S. Navy's Commander Kraska, in particular, states, however, this vision of the Arctic temporarily realized at Nuuk—that of a well-governed maritime space where the rule of law laid out in UNCLOS is enhanced with specific acts of issue-oriented intergovernmental cooperation facilitated by the Arctic Council—is not necessarily the vision of other Arctic states:

All Arctic states would do well to mind their manners. Like vacationers who forget how to act when they're away from home, most Arctic nations have been prone to boorish behavior in the region, acting in ways that are popular at home but harmful to their own long-term interests in regional stability. Russia and Canada suspect each other's intentions. Norway and Denmark, like Russia and Canada, are too close to the problem to offer responsible and detached multilateral leadership in the region. Only the United States can fill that role.^{xxxvii}

Kraska, thus finds the answer to Arctic exceptionalism in American exceptionalism (with assistance from Finland, Iceland, and Sweden, who all “display a refreshing lack of Arctic emotionalism and are thus likely to be natural supporters of American leadership in Arctic governance”).^{xxxviii} Regardless of one's position regarding the inevitability of U.S. leadership (or the emotionalism of Norwegians), Kraska's central point is that it will require constant vigilance for the United States to pursue its goal of maintaining the Arctic as a maritime zone

governed by UNCLOS with no other substantive framework that could set a precedent for other world regions. The United States' support of Ilulissat (even if lukewarm) and its subsequent renunciation of any attempt to repeat it at Chelsea suggest that maintaining this position will require delicate diplomatic maneuvers as the United States steers between the threats of territorialization and internationalization, either one of which could have significant ramifications for U.S. global strategy.

The Arctic as Foreign Policy Wedge

Because the United States' policy perspectives on the Arctic are so strongly shaped by the implications for U.S. global leadership, the Arctic frequently is treated less as a region in its own right than as a wedge for advocating one or another political future. For instance, in the 2012 Senate Foreign Relations Committee hearings on UNCLOS, fourteen of sixteen speakers who testified in favor of accession specifically mentioned the Arctic, using opportunities and challenges in the Arctic to support their argument.^{xxxix} Although UNCLOS was lauded as helpful for the extension of U.S. interests in the Arctic, the attention being given to the Arctic in the popular press was clearly being seized by several of the speakers to bolster their arguments for formally adopting the UNCLOS regime.

This perspective, wherein the Arctic is not so much a region in its own right but an arena in which norms are set for other regions, was echoed by a State Department interviewee who noted that, in order to attract resources within the State Department, the Office of Polar Affairs rarely stresses how the Arctic is either a potential site of conflict or one of cooperation. Such a strategy would meet little success because, as the respondent noted, "the natural constituency on [Capitol] Hill [for Arctic issues] consists of a grand total of three members," the two senators and one representative from Alaska. Rather, he continued, the Office of Polar Affairs stresses that the Arctic is an arena in which the United States is engaged in two very important bilateral relationships (with Canada and Russia) and that a good Arctic policy will facilitate relations with these two countries in other, higher profile arenas. Even NSPD-66, where one might expect U.S. Arctic priorities to be isolated from broader concerns, reproduces the discourse wherein the Arctic is valuable not simply as a

space in itself but because of the example that it sets for other regions, as is illustrated by the previously quoted sentence, “Preserving the rights and duties relating to navigation and overflight in the Arctic region supports our ability to exercise these rights throughout the world, including through strategic straits.”^{xl}

This construction of the Arctic as an *instrumental* space is further elaborated by the U.S. Navy’s Commander Kraska:

Maintaining operational air and sea access and the ability to operate unimpeded in the Arctic Ocean is a cornerstone of U.S. nuclear deterrence. Situated among the continents of North America, Europe, and Asia, and with access to the Pacific and Atlantic oceans, the geographic proximity of the Arctic Ocean makes it an especially attractive area for submarine patrols. Taking refuge near the ice, stationary submarines are virtually undetectable and therefore invulnerable to attack. Furthermore, the tyranny of vast distances and the presence of the hovering ice canopy make antisubmarine surveillance systems particularly inefficient.^{xli}

When he was leader of the Soviet Union, Mikhail Gorbachev also spoke of the Arctic as an ocean where the continents came together, but for Gorbachev the Arctic was a maritime region that joined peoples and interests across its various coastlines.^{xlii} For Kraska, by contrast, the Arctic is a defensive perimeter. According to this vision, the United States is an “Arctic nation” simply because it has strategic interests there; the homeland that is to be protected by military presence in this Arctic fringe is implied as being far removed from the frigid Arctic theatre of operations.

The Forgotten Dimension: Alaska

Missing from this perspective is that the United States actually *is* an Arctic nation. This point is often lost on “detached” strategists who lack “Arctic emotionalism” when calculating the implication that certain policies will have for global principles like the freedom of navigation, and it arguably is equally lost on U.S. environmentalists outside Alaska who idealize the country’s northern periphery as an unspoiled frontier. Canadian commentators often argue that their nation’s strategic interests in the North are best met through economic growth and social integration of the population there,^{xliii} but acceptance of an equivalent argument linking Arctic security with national development would involve a significant leap for the U.S. public.^{xliiv} This point was illustrated in 2010 in the small-talk that transpired at the end of an

interview in Washington, DC, when I mentioned that I would be heading to Anchorage in a few days to conduct another round of interviews there. The respondent, an academic with strong links to government, wondered why I was making the long trek to Alaska if my interests were on sovereignty issues, since these were all determined in Washington. I doubt that a similar conversation would have occurred in Ottawa if I had told a respondent there that I would soon be heading to Iqaluit to continue my research on Arctic sovereignty.

In part the inability (or unwillingness) of U.S. policy makers to link Arctic policy and the interests of protecting sovereignty with an Alaskan (and, in particular, northern and indigenous Alaskan) development agenda is due to distance and the marginal status of Alaska in the American economy and national imagination. But it is also due to the particular emphasis on natural resources (oil and gas, and its antithesis, wilderness preservation) in the Alaskan development trajectory. In effect, there are two different sets of “American Arctic interests,” each of which rests on opposite sides of a binary division. On one side is “Alaska,” which typically is understood as a body of land that is seen as either ripe for development or requiring environmental preservation. On the other side is “the Arctic,” which is viewed as a water (or ice) environment that, because it lies outside state territory, exists merely to be crossed.^{xlv} From a policy perspective, this is expressed in two largely autonomous imperatives: that of promoting or restricting (predominantly onshore) Alaskan oil and gas development versus that of protecting open access so as to reproduce global principles of maritime freedom. Outside of specific media-grabbing events like the Russian flag-planting at the North Pole, the former receives much greater attention from the U.S. public and policymakers: “While national and homeland security are stated as primary concerns in US Arctic policy, it is clear that the prospect of economic opportunity, and especially energy development, is the strongest driver for the new attention that the region is receiving.”^{xlvi} Even on the Senate Foreign Relations Committee, according to a staffer there, the Arctic issues that arise typically concern “Alaska and potential mineral exploitation on the continental shelf” and not the freedom of navigation and sovereignty concerns emphasized by the Departments of State and Defense. Presumably the sentence in NSPD-66 asserting that

most oil and gas resources in the Arctic are outside U.S. control was written in this context, to insure that the Arctic Region Policy, which largely concerns the United States' global posture, would not be misunderstood by readers whose inclinations would be to filter it through the much more prevalent discourse of Alaskan resource development.

A third reason for this disconnect between the “domestic” and “foreign” components of U.S. Arctic policy is that, despite (or perhaps because of) the decentralization of domestic government in the United States, foreign policy is cordoned off as an exclusively Washington-based affair. This point was emphasized in an interview with an Alaskan who had attended several meetings of the Arctic Council and other international pan-Arctic fora:

At my very first meeting of the Arctic Council, I was shocked that there were no Alaskans. And there have been many other meetings where I was the only Alaskan at the table ... [It is important] to bring Alaskan, I'm not even talking about indigenous, but Alaskan interests [to these meetings]. Because, I mean it's not a secret that people from the State Department, they don't know much about Alaska. And Alaska is, it's an overseas territory ...

Denmark [always] has a Greenlandic representative and a Faroe Islands representative at the table, and they have three flags. And I've been trying to see if there is support for having an Alaskan flag next to the U.S., which I think would be appropriate. Alaska is a special state ... But the State Department is very sensitive. For example, on [circumpolar] maps, [the United States] is often indicated just by Alaska. You know, you have all of the countries and then Alaska. And every map from the State Department will cross out “Alaska” and put “U.S.” ... I do not think that there would be a real danger if Alaska was given a little bit of its own place.

To date, however, these pleas have fallen on deaf ears and, officially at least, U.S. Arctic policy is disconnected from issues of Alaskan development, the integration of Alaska (and Alaskan natives) into U.S. society, and the special role of Alaska (and Alaskan natives) in providing the United States' Arctic footprint. Although representatives of at least one of Alaska's congressional representatives provided comments on drafts of NSPD-66, the word “Alaska” appears nowhere in this fundamental document of U.S. Arctic policy.

Conclusion: Thinking *with* the Arctic or Thinking *of* the Arctic?

By many measures, the Arctic is receiving increased attention in U.S. policy circles. Secretary of State Clinton's personal appearance at the 2010 Chelsea Arctic 5 meeting and the 2011 Nuuk Arctic Council ministerial, her own statements regarding the heightened importance of the Arctic in U.S. thinking,^{xlvii} the continual references to the Arctic at the 2012 Senate

Foreign Relations Committee UNCLOS accession hearings, and of course the release of NSPD-66 in 2009 all point to the Arctic rising on the U.S. policy agenda. At the same time, this transformation in U.S. attention is far from complete. Over the course of the 2008 and 2010 interviews, two individuals with close ties to the U.S. Arctic policy community independently offered their opinions that the main reason why the United States and Canada had not settled their maritime boundary dispute in the Beaufort Sea was because the State Department had not seen fit to devote the technical resources to negotiating the issue. As another indicator, the website of the State Department's Office of Polar Affairs consists of just four woefully out-of-date pages, which may suggest that the Arctic remains low on the State Department's overall radar.^{xlviii}

Of greater concern, however, than whether or not the Arctic is receiving *enough* attention from U.S. policy makers is that of whether the individuals who are giving the Arctic attention are thinking *of* the Arctic or merely thinking *with* it. Is the Arctic being considered as a space in its own right, in which the United States has integrated interests ranging from Alaskan resource development to the rights of indigenous peoples to the stewardship of Alaska's environment, or is it simply a dynamic maritime zone that must be carefully watched lest it be the site of governance arrangements that, in trending too far toward either territorialization or internationalization, set dangerous precedent for other, more strategically central, world regions? This may well be the central question for U.S. Arctic policy in the coming decades.

Notes

ⁱ Some of the data presented in this chapter is derived from 44 interviews conducted in 2008 and 2010, primarily in Washington, DC and Anchorage, with individuals who were involved with U.S. Arctic policy, either in its design, its implementation, or its effects. Respondents included retired and current staff of U.S. government agencies in Washington and in satellite locations in Alaska and overseas embassies,

Congressional staff, Alaska state government officials, and representatives of non-governmental and quasi-governmental organizations advocating for industry, local government, the environment, scientific research, world peace, and indigenous peoples. These interviews were complemented by over one hundred parallel interviews in Ottawa, Toronto, Iqaluit, Nuuk, Copenhagen, Oslo, Tromsø, Moscow, and St. Petersburg by various members of the research team: Mauro Caraccioli, Sandra Fabiano, Hannes Gerhardt, Elizabeth Nyman, Rob Shields, Jeremy Tasch, and Barret Weber, as well as myself. I am grateful for their assistance and collaboration, as well for support from the International Council for Canadian Studies, the U.S. National Science Foundation's Geography & Social Science and Arctic Social Science programs, and the European Commission's Marie Curie Incoming Faculty Fellowship program for funding research and writing of this chapter.

- ii Bush, *National Security Presidential Directive and Homeland Security Presidential Directive: Arctic Region Policy (NSPD-66 and HSPD-25)*, para. II.A.
- iii Kraska, "The New Arctic Geography and U.S. Strategy," 256-257.
- iv Commander Kraska, although presently a Chair at the U.S. Naval War College, served through 2008 as the Oceans Law and Policy Adviser for the U.S. Joint Chiefs of Staff, where he was active in drafting portions of the Arctic Region Policy (NSPD-66) (see Kraska, "Arctic Strategy and Military Security;" Kraska, "The New Arctic Geography and U.S. Strategy").
- v Bush, *National Security Presidential Directive and Homeland Security Presidential Directive: Arctic Region Policy (NSPD-66 and HSPD-25)*.
- vi Kraska, "Arctic Strategy and Military Security"; Kraska, "The New Arctic Geography and U.S. Strategy." This was confirmed in several interviews with State Department officials. As one official noted, the State Department paid much less attention to Russia's 2001 filing with the Commission on the Limits of the Continental Shelf than

it did to the 2007 flag-planting incident, even though the former was of much greater legal significance.

- vii CanWest Media, “Russians Plant Flag on North Pole Seabed.”
- viii Howard, *The Arctic Gold Rush: The New Race for Tomorrow’s Natural Resources*.
- ix Zellen, *Arctic Boom, Arctic Doom: The Geopolitics of Climate Change in the Arctic*.
- x Sale and Potapov, *The Scramble for the Arctic: Ownership, Exploitation, and Conflict in the Far North*.
- xi Borgerson, “Arctic Meltdown: The Economic and Security Implications of Global Warming.”
- xii Following Dodds (“Flag Planting and Finger Pointing”), NSPD-66 may be seen as an effort by the U.S. Government to make “legible” the Arctic, as well as U.S. Arctic policy.
- xiii Bush, *National Security Presidential Directive and Homeland Security Presidential Directive: Arctic Region Policy (NSPD-66 and HSPD-25)*, para. III.B.3.
- xiv Bush, *National Security Presidential Directive and Homeland Security Presidential Directive: Arctic Region Policy (NSPD-66 and HSPD-25)*, para. III.B.5.
- xv United Nations, *The United Nations Convention on the Law of the Sea of 10 December 1982 (A/Conf.62/122)*.
- xvi Auburn, “International Law and Sea-Ice Jurisdiction in the Arctic Ocean.”
- xvii Moore, “The UNCLOS Negotiations on Ice-Covered Areas.”
- xviii Steinberg, *The Social Construction of the Ocean*.
- xix United Nations, *Agreement for the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (UNGA 48/263)*.
- xx See for example Bellinger, “Treaty on Ice;” Kraska, “Arctic Strategy and Military Security;” Kraska, “The New Arctic Geography and U.S. Strategy.”

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- ^{xxi} United States Department of Defense, *Maritime Claims Reference Manual (DOD 2005.1-M)*; United States Department of State, *Limits in the Seas: National Claims to Maritime Jurisdictions*.
- ^{xxii} Embassy of the United States of America in Canada, *Diplomatic Note no. 625, August 18, 2010*.
- ^{xxiii} Embassy of the United States of America in Canada, *Diplomatic Note no. 625, August 18, 2010*. See also, Benjaminson, *Letter from Eric Benjaminson (Minister-Counselor for Economic, Energy, and Environment Affairs, Embassy of the United States of America in Canada) to Robert Turner (Manager for Navigation Safety and Radiocommunications, Transport Canada), March 19, 2010*.
- ^{xxiv} Bush, *National Security Presidential Directive and Homeland Security Presidential Directive: Arctic Region Policy (NSPD-66 and HSPD-25)*, para. III.G.4.g, emphasis added.
- ^{xxv} Water.ca, *The Water Chronicles: Special Feature: Northern Sovereignty, September 17, 2007*.
- ^{xxvi} Elliot-Meisel, “Still Unresolved after Fifty Years: The Northwest Passage in Canadian-American Relations, 1946-1998,” 419.
- ^{xxvii} Bush, *National Security Presidential Directive and Homeland Security Presidential Directive: Arctic Region Policy (NSPD-66 and HSPD-25)*, para. III.B.5.
- ^{xxviii} Bush, *National Security Presidential Directive and Homeland Security Presidential Directive: Arctic Region Policy (NSPD-66 and HSPD-25)*, para. III.C.1.
- ^{xxix} Bush, *National Security Presidential Directive and Homeland Security Presidential Directive: Arctic Region Policy (NSPD-66 and HSPD-25)*, III.C.3.
- ^{xxx} Bush, *National Security Presidential Directive and Homeland Security Presidential Directive: Arctic Region Policy (NSPD-66 and HSPD-25)*, para. III.C.2, emphasis added.

^{xxx} Bush, *The President's News Conference with Prime Minister Stephen Harper of Canada and President Felipe de Jesus Calderon Hinojosa of Mexico in Montebello, Canada, August 21, 2007.*

^{xxxii} Arctic Ocean Conference, *The Ilulissat Declaration.*

^{xxxiii} Inuit Circumpolar Council, *A Circumpolar Inuit Declaration on Sovereignty in the Arctic.*

^{xxxiv} Gillies, "Clinton Rebukes Canada on Arctic Meeting."

^{xxxv} In fact, this is a highly interpretive reading of the Ilulissat Declaration. The final paragraph reads, in its entirety, "The Arctic Council and other international fora, including the Barents Euro-Arctic Council, have already taken important steps on specific issues, for example with regard to safety of navigation, search and rescue, environmental monitoring and disaster response and scientific cooperation, which are relevant also to the Arctic Ocean. The five coastal states of the Arctic Ocean will continue to contribute actively to the work of the Arctic Council and other relevant international fora." This would seem to fall well short of the State Department official's claim that the Ilulissat Declaration reaffirmed that "the Arctic Council is the main place where we should be doing high-level diplomacy."

^{xxxvi} Arctic Council, *Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic.*

^{xxxvii} Kraska, "Northern Exposures," 67–68.

^{xxxviii} Kraska, "Northern Exposures," 68.

^{xxxix} United States Senate Foreign Relations Committee, *United Nations Convention on the Law of the Sea: 103-39.* The two speakers who did not mention the Arctic were Admiral Locklear from the U.S. Navy, who spoke from his perspective in the U.S. Pacific Command, and Lowell McAdam from the telecommunications firm Verizon, who spoke on how UNCLOS accession would facilitate protection of submarine cables, a topic that is not relevant to the Arctic since there are no cables there.

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- ^{xl} Bush, *National Security Presidential Directive and Homeland Security Presidential Directive: Arctic Region Policy (NSPD-66 and HSPD-25)*, para. III.B.5.
- ^{xli} Kraska, “The New Arctic Geography and U.S. Strategy,” 254.
- ^{xlii} Gorbachev, *Mikhail Gorbachev’s Speech in Murmansk at the Ceremonial Meeting on the Occasion of the Presentation of the Order of Lenin and the Gold Star to the City of Murmansk, October 1, 1987*.
- ^{xliii} See, for instance, Byers, *Who Owns the Arctic? Understanding Sovereignty Disputes in the North*.
- ^{xliv} Bergh, *The Arctic Policies of Canada and the United States: Domestic Motives and International Context (SIPRI Insights on Peace and Security, no. 2012/1)*.
- ^{xlv} Elsewhere, I discuss extensively the land-sea binary that underpins the dual U.S. views of the Arctic. See Steinberg, *The Social Construction of the Ocean*; Steinberg, “Sovereignty, Territory, and the Mapping of Mobility: A View from the Outside;” Steinberg, “Free Sea.”
- ^{xlvi} Bergh, *The Arctic Policies of Canada and the United States: Domestic Motives and International Context (SIPRI Insights on Peace and Security, no. 2012/1)*, 14.
- ^{xlvii} See, for instance, Clinton, *Interview on CTV’s Power Play with Tom Clark, March 29, 2010*.
- ^{xlviii} The four pages consist of a homepage (<http://www.state.gov/e/oes/ocns/opa/arc/index.htm>) devoted entirely to fisheries issues and three linked pages: a page on search and rescue cooperation that appears to have last been updated in January 2010, a page on the International Polar Year that was written prior to the commencement of the most recent IPY in March 2007, and a page on the Arctic Council that consists solely of a reprint of a 1999 *American Journal of International Law* article authored by then-State Department official Ashley Roach (who has since retired).

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Citation on deposit: Steinberg, P. (2014). Maintaining Hegemony at a Distance: The U.S. Arctic Region Policy Presidential Directive of 2009. In R. Powell, & K. Dodds (Eds.), *Polar Geopolitics? Knowledge, Resources and Legal Regimes* (113-130). Edward Elgar Publishing

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