Arctic Policy & Law

References to Selected Documents

Edited by Wolfgang E. Burhenne
Prepared by Jennifer Kelleher and Aaron Laur

Published by
the International Council of Environmental Law – toward sustainable development – (ICEL) for the Arctic Task Force of the IUCN Commission on Environmental Law (IUCN-CEL)
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Preface

In 2011, Hannes Manninen, Member of the Finnish Parliament and Chair of the Standing Committee of Parliamentarians of the Arctic Region stated: “We must ask ourselves if we have the right international regulatory framework to meet the rapid changes happening in the Arctic.”¹ This publication attempts to connect the governance policies in place, those policy options that are proposed, and gap analysis studies of governance with a host of relevant documents related to key topics in the Arctic. Along with Jennifer Kelleher and Aaron Laur, I have sought to compile all available material and thus provide as complete a picture as possible of national, regional and international governance systems for Arctic policy-makers. Nonetheless, I realize that the contents can certainly be expanded and am grateful for any additional information that users of this publication can provide. It is well-understood that not all Arctic States are eager to enact an internationally binding instrument for the region, but I am very happy to see the current level of cooperation.

Wolfgang E. Burhenne, Editor

How to use this guide

By choosing the keyword in the index, the reader is directed to relevant documents in the publication. The document is divided by year and each keyword in the index is identified as having a source at a particular year and entry. The year in the keyword index is shortened to two digits, so 1920 appears as ‘20’ and 2006 appears as ‘06’ and so on. Where there is duplication, the four digits will be used. So, for example, if one wishes to see Arctic policy in place in the Russian Federation, one accesses keyword ‘Russian Federation’, sub category ‘Arctic policy’, the reader is then directed to 09/122. This simply means that in 2009, at entry 122 there is a reference to Russian Arctic policy. Each entry details the source citation and available online source, if any.


Available at: http://www.pewtrusts.org/events_detail.aspx?id=327770


Greenland, an Arctic country with a population of just over 50,000, may be quickly overwhelmed by large-scale mining projects planned around the coastline. It is inevitable that a foreign work force would have to be brought in to explore and mine for the iron, gold, nickel, platinum and diamonds resources. This article suggests that it is difficult to see how any such project could benefit the traditional hunters whose livelihoods are dependent on the wildlife that inhabits the Arctic environment.

Available at: http://www.guardian.co.uk/world/2011/feb/06/greenland-inughuit-mineral-mining


Arctic sea ice extent averaged over January 2011 was 13.55 million square kilometers (5.23 million square miles). This was the lowest January ice extent recorded since satellite records began in 1979.

Available at: http://nsidc.org/arcticseaicenews/2011/020211.html


Arved Fuchs has been undertaking expeditions in the Arctic for over 30 years. He counts the last ten years as his most formative due to the effects of climate change: „I never thought it possible that the Arctic could change in such a major way as is currently the case.“

Available at: http://www.bpb.de/files/E7FLFE.pdf

The expected conflicts, risks, and outcomes as a result of natural resource development require regulation. Are the Arctic Council, UNCLOS and MEAs appropriate instruments or does it require a comprehensive treaty similar to the Antarctic?

Available at: http://www.bpb.de/files/E7FLFE.pdf


It will still take decades before oil and gas extraction is actually possible in many parts of the Arctic. This has not kept the Arctic States from territorial claims. A generally accepted framework for dispute resolution has yet to be established.

Available at: http://www.bpb.de/files/E7FLFE.pdf


The earth has warmed by approximately 0.75°C since before the Industrial Revolution. The increase in temperature is however not evenly distributed, but instead intense in the Polar Regions. This could be considered the Earth’s early warning system whose warming could have wide consequences beyond these regions.

Available at: http://www.bpb.de/files/E7FLFE.pdf


Traditional Arctic inhabitants do not portray themselves as „winners“ or „losers“ of the changes in their native lands. However, the living conditions for many are changing as a result of climate change. Hunting is becoming more dangerous while the extraction of other resources is to some extent more possible.

Available at: http://www.bpb.de/files/E7FLFE.pdf

The subject of the Arctic would have never become so dynamic were it not for the „Wonder of the North“ that has become so deeply anchored in our consciousness. Nonetheless, the media firmly declines to absolve itself from this dream and to come to grips with reality.

Available at: [http://www.bpb.de/files/E7FLFE.pdf](http://www.bpb.de/files/E7FLFE.pdf)


The Aspen Commission aims to focus on climate change adaptation challenges facing the Arctic marine environment and human communities and also the regional and global governance implications of these issues. This report presents the recommendations of the Commission for governance in the Arctic. It is recommended that domestic and international laws should be strengthened by a new conservation and sustainable development plan using an ecosystem-based management approach. Marine spatial planning would provide the method to do so together with cooperative international information gathering and decision-making.

Report available at:


This is a comprehensive resolution regarding the European Union’s sustainable EU policy for the Arctic region.

Key topics include:

Regarding the EU and the Arctic:

“Stresses the need for a united, coordinated EU policy on the Arctic region, in which both the EU's priorities and the potential challenges and a strategy are clearly defined”

Regarding new world transport routes:

“The calls on the states in the region to ensure that any current transport routes – and those that may emerge in the future – are open to international shipping and to refrain from introducing any unilateral arbitrary burdens, be they financial or administrative, that could hinder shipping in the Arctic, other than internationally agreed measures aimed at increasing security or protection of the environment”

Regarding Governance:

“Recognizes the institutions and the broad framework of international law and agreements that govern areas of importance to the Arctic such as UNCLOS (including the basic principles of freedom of navigation and innocent passage), the IMO, the OSPAR Convention, the North East Atlantic Fisheries Commission (NEAFC), CITES and the
Stockholm Convention as well as the existing numerous bilateral agreements and frameworks, in addition to the national regulations in place in the Arctic States; thus concludes that the Arctic region is not to be regarded as a legal vacuum, but as an area with well-developed tools for governance; nevertheless points out that, due to the challenges of climate change and increasing economic development, those existing rules need to be further developed, strengthened and implemented by all parties concerned."

Available at:

12. Center for Biological Diversity 2011, Letter of intent to sue: Violations of the Endangered Species Act related to Offshore Oil and Gas Leasing, Exploration, and Development Activities in and near the Beaufort and Chukchi Seas that Adversely Affect Polar Bear Critical Habitat, viewed 30 January 2011,

This letter is a sixty day notice of intent of the Center for Biological Diversity to sue the Secretary of Interior, Ken Salazar; the Department of Interior; the Bureau of Ocean Management, Regulation and Enforcement, the Bureau of Land Management and the U.S. Fish and Wildlife Service over violations of Section 7 of the Endangered Species Act 16 U.S.C. § 1531 et seq. for actions and inactions related to the regulation, management and authorization of oil and gas leasing, exploration and development activities in polar bear critical habitat in and near the Beaufort and Chukchi Sea and adjacent coastal areas of Alaska. Those activities include the leasing of sizeable parts the 187,157 square miles of polar bear critical for oil and gas exploration, the granting of the Shell 2010/2011 Exploration Plan for the Beaufort Sea and the issuance of permits without completing environmental assessments as required by law.


This draft/staff working paper describes some of the difficulties of spill response in the Arctic. There are two locations of offshore drilling in the U.S. Arctic, the Beaufort Sea and the Chukchi Sea, and each site presents different drilling conditions and response issues. This report provides an overview of applicable regulatory requirements related to spill responses in both of those areas. A Chukchi Sea spill would be more difficult to access, contain and clean-up. However, even though a Beaufort Sea spill would be more straightforward and easier to access, the drilling sites are closer to the sensitive shoreline. The report presents a short history of drilling in the area, the status of current exploration and leasing, and an overview of applicable regulatory requirements in the area.
Relevant regulations concerning offshore drilling include the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) and the Alaska Department of Conservation requiring an applicant to provide information regarding its response capabilities, including a description of response equipment and a ‘worst-case appendix’. The report details Shell’s contingency plan for the Chukchi Sea.

The report continues by describing the challenges of spill response in the Arctic environment, namely adverse weather, locating the oil if it moves under the ice floes or becomes encapsulated under the ice, mechanical recovery technology, in situ burning, chemical counter-measures and bioremediation and the natural process of oil degradation over time. The report also describes the geographic and cultural issues such as bowhead whale hunting as an important necessity and part of Inuit cultural heritage. It finishes with a list of topics that must be followed up as areas for commission inquiry.

Available at:


Scottish oil exploration company, Cairn Energy, has contracted two rigs for drilling offshore Greenland in the summer of 2011. The company has said that it is optimistic it will find substantial oil reserves off Greenland and plans to drill up to four exploration wells during 2011.

Available at: http://www.bbc.co.uk/news/uk-scotland-scotland-business-12117549


This study was undertaken to provide a public empirical perspective on various issues in the Arctic. The study offers comparative public opinion data from the eight member states of the Arctic Council. 9,000 randomly sampled interviews were conducted in nine separate populations. Questions were posed on the following issues: Quality of Life and Health; Issues facing the Arctic; Arctic Security; Priorities in the Arctic; International Cooperation in the Arctic and; International Views on the Arctic Council.

Conclusions show that the issue of the environment is the most important according to Canadians. Military security was at the bottom of the list while health care, education and infrastructure ranked amongst top priorities. Northern Canadians were more concerned with preserving traditional ways of life and health care, education and infrastructure while Southern Canadians were more concerned with threats to Canadian sovereignty. The results showed strong support for the Arctic Council, particularly among Canadians, and the majority of respondents across all Arctic states would like to see the role expanded
to include peace-building. Interestingly, including non-Arctic states in Arctic talks was not favoured with Canadians strongly opposed to the idea.

The Canadians interviewed showed support for increasing Canadian military presence and that the Arctic should be a focal point of government’s foreign policy. They also insist that the Northwest Passage falls within Canadian waters (a view not shared by any other member of the Arctic Council with the exception of Russia).


16. WWF 2011, “A comparison of long line and trawl fishing practices and suggestions for encouraging the sustainable management of fisheries in the Barents Sea”

This study presents a comparison of Russian trawling and long-line bottom fishing practices. Biological, ecological and social-economic aspects are considered. Prospects of development of trawling and long line fishing in the Barents Sea are analyzed and recommendations about rational use of marine living resources of the Barents Sea are made.

Available at: http://assets.panda.org/downloads/blockengl.pdf


Arctic issues are becoming increasingly important for the international community and in Sweden it is crucial that the natural environment be protected. In spring 2011, the Swedish Government will present a Swedish strategy for the Arctic region.

Available at: www.regeringen.se/content/1/c6/16/11/48/dc78c337.pdf


A nuclear powered icebreaker is leading the expedition to determine the outer boundaries of Russia’s continental shelf in the Arctic. The Russian Federation plans to submit their claims to the UN Commission on the Limits of the Continental Shelf in 2012. Russia hopes to expand its Arctic borders and assume territorial rights over the Lomonosov Ridge, to which Canada also lays claim.

Available at: http://en.rian.ru/russia/20110712/165157148.html

This article discusses the apparent territorial disputes in the Arctic. The US and Canada disagree over the Barents Sea region. Canada and Denmark both lay claim to Hans Island. Most significantly, the legal status of the entire North West passage is being disputed by the US and Canada. The former believes it is an area of free passage while Canada views it as falling under their sovereignty. The US and Russian Federation disagree over the border between the Bering Sea and Arctic Ocean. All Arctic states will also be entitled to submit claims under the UN Commission on the Limits of the Continental Shelf.

Available at:
http://www.guardian.co.uk/world/2011/jul/06/arctic-resources-territorial-dispute?intcmp=239


David Caron’s lecture, given on March 30th 2011, is a visual analysis of the Arctic and uses three separate images to describe the issues affecting the Arctic: 1) ‘The Impassable Area’, a place that is inhospitable but also home to Indigenous people. 2) ‘The Ring’, images of the retreat of the ice, which encompasses the themes of transport routes, territorial issues and access to oil. 3) ‘The Semi-Enclosed Sea’, the idea of the Arctic states, law and shared governance.

Available at:
http://works.bepress.com/cgi/viewcontent.cgi?article=1121&context=david_caron


The presence of US Secretary of State Hilary Clinton at the meeting of the Arctic Council in May 2011, signals the importance of the Arctic in US diplomacy and foreign policy. According to this article, the gesture is provoking concerns that there could be a return to Cold War relations between the US and Russia.

Available at:
http://www.guardian.co.uk/world/2011/jul/06/us-russia-political-tensions-arctic

The head of Greenpeace International, Kumi Naidoo, was arrested after climbing a Cairn oil rig off the coast of Greenland. Naidoo wished to highlight the environmental risks of drilling for oil in the Arctic and had asked Cairn Energy for a copy of their oil spill response plan. His act violated an injunction issued earlier from a Dutch court forbidding Greenpeace from going within 500m of the oil rig.

Available at:
http://www.guardian.co.uk/environment/2011/jun/17/greenpeace-kumi-naidoo-arrest-oil-rig


Shell Oil’s plans to drill in the Chukchi Sea, may well be contrary to a new federal report from the Bureau of Ocean Energy Management, Regulation and Enforcement, according to Pew Environment Group. Significantly, the report notes ‘gaps’ in scientific recording in the area which means that the real impact of an oil spill in the area, has not yet been clearly determined.

Available at:


This article discusses the untapped natural resources of the Arctic and asks why US policy and investment and development plans are not taking advantage of those resources as other countries as doing.

Available at:
http://online.wsj.com/article/SB10001424052702304569504576405801640378640.html


Concentrations of persistent organic pollutants (POPs) have decreased in Arctic air over the past few decades, however with the warming of the planet, scientific evidence shows that POPs are being remobilized into the air due to sea-ice retreat and rising temperatures. The
results of this study indicate a wide range of POPs in the Arctic atmosphere over the past two decades.

Available at:

http://www.nature.com/nclimate/journal/v1/n5/full/nclimate1167.html


The Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) received a revised Exploration Plan (EP) entitled 2012 Outer Continental Shelf Lease Camden Bay Exploration Plan and related Oil Discharge Prevention and Contingency Plan’ from Shell Offshore Inc. on May 4, 2011. The documents posted at this website support the proposed exploration drilling program on Outer continental Shelf leases off the coast of Alaska. Detailed environmental assessments including impacts on wildlife and control plans are included.

Available at:

http://www.alaska.boemre.gov/ref/ProjectHistory/2012Shell_BF/2012x.HTM


Frances Beinecke, president of the Natural Resources Defense Council has written an op-ed piece in the New York Times to demonstrate the danger of allowing Shell Oil to drill in Arctic waters. Preliminary approval by the US government to Shell to drill four exploratory wells in the Beaufort Sea off the coast of Alaska was given without knowledge or experience of the impact of an oil spill in that region. This article looks at the real dangers of an oil spill and how more research is needed before any drilling take place.

Available at:


The U.S. Fish and Wildlife Service designate critical habitat for polar bear (Ursus maritimus) populations in the United States under the Endangered Species Act of 1973, as amended (Act). In total, approximately 484,734 square kilometers (km2) (187,157 square miles (mi2)) fall within the boundaries of the critical habitat designation. The critical habitat is located in Alaska and adjacent territorial and U.S. waters but does not designate critical habitat within foreign countries or in other areas outside of U.S. jurisdiction.

Available at:  
http://www.gpo.gov/fdsys/search/citation.result.FR.action?federalRegister.volume=2010&federalRegister.page=76086&publication=FR

2. The report of the Committee on Foreign Affairs on a sustainable EU policy for the High North, 16 December 2010, viewed January 24, 2010


This report lays down the reasons why the European Union (EU) needs a sustainable and coherent Arctic policy. It discusses the position of the EU in relation to governance in the Arctic and states that “the Arctic region is not a legal or political vacuum as assumed by some observers.” The notion of an Arctic treaty would not be “an appropriate way to deal with the challenges in the Arctic.” It is concluded that the EU has much to contribute to the sustainable development of the Arctic through EU legislation on environment, climate, fisheries and cooperation on mapping, maritime safety and economic development.


This report, prepared by the Ecologic Institute, shows a wide range of policy options for Europe to reduce its environmental footprint in the Arctic. The analysis focuses on nine policy areas 1) biodiversity, 2) chemicals and transboundary pollution, 3) climate change, 4) energy, 5) fisheries, 6) forestry, 7) tourism, 8) transport and 9) Arctic indigenous and local livelihoods. In each area, the report presents key findings and presents the EU’s policy options in that area.

Arctic Footprint and Policy Assessment: Report Summary

Arctic Footprint and Policy Assessment: Final Report

http://www.cfr.org/publication/18985/global_governance_monitor.html#/Oceans/Overview%20Video/

The International Institutions and Global Governance (IIGG) program has launched the Global Governance Monitor. This is a tool that shows how the international community addresses the most daunting threats that it faces. With ‘Oceans’ as an issue area, the monitor provides an interactive timeline that traces and evaluates the world's efforts in responding to the challenge and suggests potential reforms to improve international cooperation. It catalogs relevant international treaties, organizations, and initiatives, and shows interactive maps that detail critical countries and groups. It is hoped that by monitoring the world's performance, U.S. and international policymakers can identify remaining gaps in global regimes and propose new institutions or partnerships to fill them.

Notably,

“But the United States is notably absent from the Law of the Sea, the world's bedrock framework for ocean governance. Much more needs to be done in updating the Law of the Sea, in coordinating national policy, in bolstering much needed global leadership.....”

Available at: 
http://www.cfr.org/publication/18985/global_governance_monitor.html#/Oceans/Overview%20Video/


This article suggests that the Law of the Sea, as it is currently applied to the Arctic, is ill equipped to deal with issues that are unique to the region. The Convention instead focuses on territorial claims and does so without respect for the importance of the Arctic environment to non-Arctic nations. This imbalance should be resolved by the International Tribunal for the Law of the Sea extending its existing precedents to impose economic liability for environmental harms. Arctic states have strong economic incentives to extend their sovereignty under Article 76 of UNCLOS and are doing so. This creates tension between economic and environmental values. Article 76 provides a vehicle to allow for exploitation of the Arctic. This means one thing, that a new regime is clearly necessary.

Available at: https://articleworks.cadmus.com/geolaw/zsk00210.html

This article discusses the security policies in Norway’s Arctic waters in particular the Barents Sea and the waters around the Svalbard continental shelf. It discusses the likelihood of “an armed mad dash for resources” in the high north and rebuts any such approach as it would be divorced from current contexts of foreign policy and international law. Norway is a major coastal state with jurisdiction over about two million km². Any border disputes with Russia can and should be resolved using international treaties like the Law of the Sea Convention Norway’s NATO membership can play a role to ensure that military crisis with Russia is unlikely.

Available at:

7. Arctic Council 2010, Canada, Denmark, Finland, Iceland, Norway, Russian Federation, Sweden, United States of America, Statement to UNFCCC COP XVI

Lene Espersen, Minister of Foreign Affairs of Denmark and Chair of the Arctic Council, released this statement from the Arctic states at the UNFCCC COP at Cancun, Mexico. The statement confirms the effects of climate change through scientific research, namely the Arctic Climate Impact Assessment (ACIA) which was presented in 2004 and 2005 by the Arctic Council and the International Arctic Science Committee. The statement concludes with “Combating climate change is an urgent common challenge for the international community and requires immediate global action.”

Available at:
http://arctic-council.org/article/2010/12/arctic_states_E28099_joint_statement_to_cop_xvi

8. Webb, Tim 2010, “Greenland wants $2bn bond from oil firms keen to drill in its Arctic waters” Guardian, 12 November, viewed 12 January 2011,
http://www.guardian.co.uk/business/2010/nov/12/greenland-oil-drilling-bond

Greenland has reportedly demanded that those oil companies that are currently bidding to drill in the Arctic pay an estimated $2bn upfront bond to meet any cleanup costs in the event of an oil spill. No discoveries of oil or gas have yet been made off the coast of Greenland yet licensing rounds are being held with international energy companies to bid for the right to drill across 50,000 square kilometers of unexplored waters.

http://www.guardian.co.uk/environment/2010/nov/11/arctic-oil-spill-plans

Director of the Pew Environment Group Marilyn Heiman has warned that oil companies planning to drill in the Arctic are not prepared to deal with a spill and any spill plans in place are thoroughly inadequate. A report issued by the group entitled “Oil Spill Prevention and Response in the US Arctic Ocean” details the difficult conditions that response teams would have to work against and the additional concerns that oil may become trapped in the sea ice and stay in the environment for years. The report does not call for a complete ban on drilling rather
a cautious approach recommending extensive study and research before going ahead with drilling work.


On September 15 2010, the foreign ministers of Norway and Russia signed a treaty on maritime delimitation and cooperation in the Barents Sea and the Arctic Ocean. It will define a single maritime boundary that divides the States’ Parties continental shelves and exclusive economic zones (EEZ) in the Barents Sea and the Arctic Ocean. This article looks at the scope and the implications of the agreement.

Legal implications:

This clarifies the maritime boundary between Norway and Russia within 200 nautical miles off its coast, important for enacting and enforcing environmental rules and fishery regulations. It also defines the maritime boundary of the outer continental shelf in the Arctic Ocean. Moreover, the treaty illustrates that rather than a “Race for the North Pole”; a spirit of cooperation exists between Arctic states. The 2010 may even pave the way for a future settlement of the ongoing dispute on the interpretation of the Svalbard Treaty.

Available at: http://www.asil.org/insights101108.cfm


This report examines the risks, challenges and potential consequences of an oil spill in the outer continental shelf of the United States Arctic Ocean. The remote location of the Arctic, the extreme climate and lack of oil spill cleanup technologies for the Arctic Ocean all mean that any kind of spill or blowout could be catastrophic on a large scale for the region. The report makes the following recommendations for Federal agencies in the U.S.:

- Conduct baseline studies to better understand the marine ecosystem and increase scientific knowledge regarding the Arctic ecology and sensitivity to oil spills before introduction of new offshore oil spill risks.

- Improve spatial data and mapping of Arctic species, habitat and sensitive ecosystems.

- Develop oil spill trajectory models with the capability to model oil fate and behavior in the presence of a range of sea ice conditions.

- Require operators to plan for the possibility of a worst-case well blowout and adopt all available engineering and management measures to prevent blowouts from occurring.

- Conduct full-scale deployment exercises under a range of offshore Arctic conditions to determine the limits for safely and effectively mounting a large-scale offshore response in the U.S. Arctic Ocean.
Conduct an Arctic oil spill response gap analysis to delineate the upper operating limits of existing response technologies in the U.S. Arctic Ocean and then estimate the frequency and duration of periods when no oil spill response may be feasible.

Available at:

http://www.grida.no/publications/arctic-biodiversity/

This report is a follow-up to the 2006 Grid-Arendal Report and examines the role of the global environment in impacting and influencing the efficiency of Arctic multilateral environmental agreements (MEAs). The report focuses on four major areas where Arctic nations must strengthen activity and makes four significant recommendations: 1) The sources of greenhouse gas emissions come from outside the Arctic so the Arctic region needs to strengthen investments in co-management and in supporting programmes of adaptation. 2) Arctic nations should substantially increase the extent of protected areas, in particular in coastal zones and the marine environment. MEAs should be fully implemented and the protection of areas is, according to the report, the most effective tool available in management of Arctic resources. 3) Some of the most successful Arctic MEAs are those which have effective monitoring of Arctic wildlife, especially of migratory species of birds and marine life. It is recommended that the Arctic Council play a more active role in supporting the development of specific conservation efforts, to complement the existing global conventions. 4) The changing landscape of the Arctic needs to be taken into consideration in particular with regard to exploration, access to natural resources and development. Again, the Arctic Council is encouraged to take a more progressive role to ensure strengthened protection and sustainable use of the natural resources in the Arctic.

Available at: http://www.grida.no/publications/arctic-biodiversity/

13. Arctic Council 2010, Final Draft Agenda of the Meeting of the Senior Arctic Officials, Tórshavn, October 19-20

Thematic areas covered in this meeting of the Senior Arctic Officials included: Efficiency and effectiveness of the Arctic Council, climate change and climate forcers, biodiversity, human development, oceans, oil and hazardous substances in Arctic waters, contaminants, emergency response exercises, data, observations and monitoring and assessment of the working groups of the Arctic Council.

Documentation and recommendations from the meeting are available online:


The article reports on the arrival of the Ice-Class diesel-electric ship of Monchegorsk arriving at Shanghai on October 17 after a journey through the Northern Sea Route. This was a test voyage, which departed from Murmansk on September 16 and used “double-action” ship technology allowing the vessel to sail through Arctic ice without need for an icebreaker escort.

Available at: http://rtdr.org/news/maritime/norilsk_nickel_ship_calls_at_shanghai_port_after_passage_via_northern_shipping_lane.html


http://eng.globalaffairs.ru/number/The-New-Maritime-Arctic-15000

The increased accessibility of the Arctic, with its energy and mineral resources, new fisheries, shortened sea routes and shipping along the rivers between the Arctic coast and the Eurasian heartland, is both enabling and propelling Russia to become a major maritime state. The article groups the changes in the Arctic into four categories: technological advances in shipping and oil and gas development, economic changes brought about by Russian resources of energy and fisheries and potential Arctic resources, climatic changes which increase accessibility from East to West and to the Russian heartland and changes in the legal regime, namely the Law of the Sea and applying to it for jurisdictional claims.

Available at: http://eng.globalaffairs.ru/number/The-New-Maritime-Arctic-15000


http://www.unis.no/20_RESEARCH/2080_SIAEOS/default.htm

The SIOS is a scientific research programme based at the University Centre in Svalbard with the aim of establishing an Arctic Earth Observing System in and around Svalbard that integrates the studies of geophysical, chemical and biological processes from all research and monitoring platforms. The preparatory phase, which will run from October 1, 2010 until October 1, 2013, will survey all relevant infrastructures on Svalbard to identify what is lacking. It is hoped that the end users of such comparative data will be policy makers, NGOs, ACIA, IPCC, EU, and other European government policy boards.

The EU, along with the Norwegian Research Council has provided initial funding to establish the Svalbard Integrated Arctic Earth Observing System (SIOS). The archipelago already hosts research infrastructure and the preparatory phase of the project seeks to identify what is lacking in order to establish observation systems for marine, ice, atmospheric and terrestrial systems; alongside establishing frameworks for organization, administration and funding.

This article makes the point that it is not territorial disputes and conflicts between nations that most threatens the Arctic but disputes between large oil and gas companies and local communities. Local communities worry that the impact of oil and gas development will destroy their subsistence, livelihood and culture. For example, Shell Oil and communities near the Chukchi Sea are clashing over drilling in the area instead of studying the potential impact of oil and gas drilling on whales and other marine mammals. The oil spill in the Gulf of Mexico raises the argument that the oil industry does not yet know how to respond effectively to oil spills in icy conditions. During a conference held in Russia on Sept. 22-23 called “The Arctic: A Territory of Dialogue” Russian Prime Minister said that “not a single industrial project in the Russian Arctic will be implemented without the consideration for the most stringent environmental requirements. This is the principled stance of the Russian government.” Prince Albert II of Monaco who also attended the conference, called for marine protected areas. The article suggests one approach is to designate culturally and ecologically important areas of the Arctic. A new Polar Code, as currently being negotiated by the International Maritime Organization would also provide a good opportunity to protect the Arctic by requiring strict environmental standards.

Available at:


On September 15, 2010, the foreign ministers of Norway and Russia signed a treaty on maritime delimitation and cooperation in the Barents Sea and the Arctic Ocean. The treaty clarifies the maritime boundary between Norway and Russia within 200 nautical miles off its coast. It also defines the maritime boundary of the outer continental shelf in the Arctic Ocean and contains annexes regarding Fisheries matters and trans-boundary hydrocarbon deposits.

Available at:
http://www.regjeringen.no/upload/UD/Vedlegg/Folkerett/avtale_engelsk.pdf


The Conference statement makes the following requests:

Sustainable Management
Create mechanisms that emphasize ecosystem-based management and extended environmental impact assessment procedures, as well as social impacts, on an Arctic-wide basis.

Collect and share data on new and emerging fisheries ensuring sustainable development of those fisheries.

Cooperation in Education and Research
- Move forward on plans by the European Commission to set up an EU Arctic Information Centre, with a hub at the Arctic Centre of the University of Lapland, Finland.
- Further develop partnerships and dialogue with local and indigenous communities in the Arctic.

Melting Ice
- Improve safety of maritime navigation, in particular through the International Maritime Organization and develop a compulsory Polar Code.
- Implement the recommendations of the Arctic Council’s Arctic Marine Shipping Assessment.

Ask SCPAR to:
- Promote the statement from the Ninth meeting of the SCPAR in the development of an Arctic Policy in the European Union.
- Encourage member states to promote sustainable development conferences and public consultation exercises at national level amongst fishermen, hunters, reindeer herders, scientists, politicians and other interested parties.
- Ask the Arctic Council to create a vision for 2030 and create a panel to provide an assessment on how Arctic nations can prepare for new opportunities and challenges as a result of a changing Arctic.
- Ask the Arctic States to arrange an Arctic Summit at the level of heads of state and government to show leadership and promote the Arctic region as an area of peaceful development and cooperation.
- Call on partners of the Northern Dimension Policy and the Barents Euro-Arctic Council to actively implement environmental policy in the Arctic.
- Encourages the Arctic Council to consider granting the EU Commission permanent observer status in the Council.
- Encourage the European Commission and Arctic governments to have effective dialogue with Arctic

Available at: http://www.arcticparl.org/_res/site/file/news%20items/Conference%20statement,%20Final%20Draft.pdf

The Canadian government has announced a new marine protected area (MPA) located in the Mackenzie River Estuary in the Beaufort Sea. The Tarium Niryutait Marine Protected Area is a well-known area for beluga whales to feed, socialize and rear their calves. The MPA was established partly to protect to beluga whales in the region. It is Canada’s eighth MPA but first of its kind in the Canadian Arctic.

Available at: http://naturecanada.ca/enews_sep10_arcticmpa.asp


Lawrence Cannon, Minister of Foreign Affairs, released the *Statement on Canada’s Arctic Foreign Policy: Exercising Sovereignty and Promoting Canada’s Northern Strategy*. The statement articulates Canada’s priorities with respect to sovereignty, economic and social development, environmental protection and governance in the Arctic region.

Regarding Governance:

“Canada, like other Arctic nations, stands by the extensive international legal framework that applies to the Arctic Ocean. UNCLOS … provides the legal basis for delineation of continental shelves and goes well beyond this to address the protection of the marine environment, freedom of navigation, marine scientific research, conservation and utilization of marine living resources, and other uses of the sea.

Regarding increases in shipping:

“However, within this broad legal framework, new challenges are emerging…Canada and other Arctic Ocean coastal states must begin to prepare for greater traffic into the region, with sometimes negative effects.”

“Regional solutions, supported by robust domestic legislation in Arctic states, will be critical. Canada will work in concert with other Arctic nations through the Arctic Council (the primary forum for collaboration among the eight Arctic states), with the five Arctic Ocean coastal states on issues of particular relevance to the Arctic Ocean, and bilaterally with key Arctic partners, particularly the United States.

We will need to consider how to respond to issues such as emergency response and search and rescue capability and potential future problems related to emergencies (including environmental), organized crime, and illegal trafficking in drugs and people. One very important initiative is the current effort within the Arctic Council to negotiate a search and rescue agreement for the Arctic. Information sharing, coordination of efforts and pooling resources are all concrete ways in which partnership may be beneficial.”

Regarding protection of marine environments:

“Canada is a party to a number of bilateral and multilateral agreements and is actively engaged in various international forums, including the Arctic Council, on matters relating to the
protection of the marine environment… The 2007 Arctic Council Oil and Gas Assessment examined the impacts of current oil and gas activities in the Arctic and potential impacts related to possible future activities. The Oil and Gas Assessment found that while extensive oil and gas exploration activity and production have occurred in parts of the Arctic, much potential exists for future oil and gas development. Related risks need to be managed carefully. Canada made significant contributions to the Assessment. The Arctic Council, with significant Canadian participation, updated its Arctic Offshore Oil and Gas Guidelines in 2009. These guidelines recommend standards, technical and environmental best practices, management policy and regulatory controls for Arctic offshore oil and gas operations. Canada will act on the request from the Arctic Council that all states apply these guidelines as minimum standards throughout the Arctic and will encourage others to do so as well.”

Regarding shipping:

“The 2009 Arctic Marine Shipping Assessment is the first comprehensive review of circumpolar shipping activities and provides important information about possible future shipping activities and their potential impacts. Among its findings, the Assessment noted that Arctic shipping has increased significantly, with more voyages to the Arctic and between Arctic destinations. However, the various Canadian internal waterways known as Canada’s “Northwest Passage” are not predicted to become a viable, large-scale transit route in the near term, in part because mobile and unpredictable ice in the Passage poses significant navigational challenges and other routes are likely to be more commercially viable. The Arctic Marine Shipping Assessment also provides guidance on enhancing Arctic marine safety, protecting Arctic peoples and environment, and building Arctic marine infrastructure. Based on these recommendations, the 2009 Arctic Council Ministerial supported the development of a mandatory polar code for shipping by the International Maritime Organization (IMO).”

Regarding Indigenous people:

“The Government of Canada is committed to providing Canadian Northerners with more control over their economic and political destiny…Through land claim and self-government agreements, indigenous communities are developing made-in-the-North policies and strategies to address their unique economic and social challenges and opportunities.”


This policy, adopted on July 19, 2010 and in the wake of the Deepwater Horizon/BP oil spill, is a policy that sets the United States on a “clear path for the sustainable use of our oceans and coasts”. The policy identifies five areas of emphasis: climate change and acidification, regional ecosystems, management of water quality and, changing conditions in the observation, mapping, and infrastructure. It is an overarching framework for coastal and marine spatial planning and enables improved disaster preparedness. The policy also reflects new cooperation between the newly created National Ocean Council and the White House Office of Science and Technology Policy that will oversee implementation.

Available at:

23. US Government 2010, Responsible Arctic Energy Development Act of 2010 (not enacted)

This bill, proposed on July 14, 2010 to direct the Administrator of the National Oceanic and Atmospheric Administration to institute research into the special circumstances associated with oil spill prevention and response in the Arctic waters, including assessment of impacts on Arctic marine mammals and other wildlife, marine debris research and removal, and risk assessment, and for other purposes.

Available at:
http://www.govtrack.us/congress/bill.xpd?bill=s111-3584


Delegates at the 11th General Assembly of the Inuit Circumpolar Council unanimously passed the Nuuk 2010 Declaration on 1 July 2010. Each Inuit Circumpolar Council General Assembly produces a Declaration that reflects what was discussed during the week. It also sets out plans for forthcoming work. Clauses in the declaration included the calling for a holding of an Inuit leader’s summit on resource development with the aim of developing a common circumpolar Inuit position on environmental, economic, social, and cultural assessment processes. Other clauses concerned Inuit health, climate change, arctic sovereignty, and arctic shipping in addition to commitment and support of the Arctic Council as the central forum for international cooperation in the Arctic. The fifty-four clause Declaration is available below.

Available at: http://www.inuit.org/index.php?id=409


This articles notes that Finland’s foreign minister, Alexander Stubb, said that the Arctic Council needs to become a proper organization with a permanent secretariat, with the suggestion that it be located in northern Finland.

Available at: http://www.economist.com/node/16436337


About three miles off the coast of Alaska, BP is moving ahead with a project to drill two miles under the sea and then six to eight miles horizontally to reach what is believed to be a 100-million-barrel reservoir of oil under federal waters. The article reports that the process for approving project Liberty was a break from usual practice with BP writing its own environmental review and environmental assessment placed in the hands of a pro-drilling
federal agency, what the article refers to as a “dangerous coziness between industry and regulators.” Two weeks after the Obama administration declared a moratorium on offshore drilling on May 27, BP announced that the Liberty project would continue, with estimates of a 40,000 daily oil barrel yield by 2013.

27. Ministry for Foreign Affairs of Finland 2010, *Finland’s strategy for the Arctic Region*, Finland

On 4 June 2010, the Cabinet Committee on European Union Affairs adopted the proposal for Finland’s strategy for the Arctic region, which was presented to the Committee by a working group appointed by the Prime Minister’s Office.

The Arctic strategy focuses on external relations and discusses issues relating to security, the environment, economy, infrastructure, and the indigenous peoples in the Arctic, as well as international institutions and the Arctic policy of the European Union. The strategy defines Finland’s Arctic policy objectives and discusses ways of promoting them. Proposals for the development of the EU’s Arctic policy are also presented in the strategy.

Available at:


Finland’s Strategy for the Arctic region (in Finnish) available at:


In this report, the IUCN and NRDC examine ecosystem-based management and its potential to provide an organizing framework for decision-making about Arctic marine activities. A key element is to identify ecologically significant or vulnerable areas that may require enhanced protection. It aims to explore advancing implementation of ecosystem-based management and begin to identify specific ecologically significant and vulnerable marine areas that should be considered for enhanced protection in any new management arrangements. The main outcomes of the project will be scientific findings on areas of ecological and biological significance that should be considered for enhanced protection in the Arctic and recommendations on management arrangements to advance policy decisions on ecosystem-based marine management in the Arctic region.

At the international level, all eight Arctic States have agreed to global agreements and resolutions that call for ecosystem based management or ecosystem approaches.

- The World Summit on Sustainable Development Plan of Implementation (2002) calls for States to undertake marine ecosystem based management by 2010

- The 1995 UN Fish Stocks Agreement calls on States to assess and manage the effects of fishing and other activities on ecosystems

- The Convention on Biological Diversity, which adopted the ecosystem approach as a framework for the analysis and implementation of the objectives of the CBD.
Numerous other UN resolutions on sustainable fisheries and oceans refer to the need for ecosystem approaches.

At the regional level, Arctic States have agreed to contribute to the identification of Large Marine Ecosystems (LMEs) through the Arctic Council working group, PAME Protection of the Arctic Marine Environment. In 2006, the Arctic Council supported a map delineating 17 large LMEs. In 2009, the Arctic Council Ministerial meeting in Tromso adopted a set of Best Practices in Ecosystem-based Oceans Management. The Arctic Marine Shipping Assessment, released by PAME in 2009, uses the Large Marine Ecosystem map as a basis for analysis.

At national level, all States have taken steps to implement EBM within their marine areas. The challenge now is to identify how this progress can be enhanced within the Arctic Council.

Workshop Outcomes:
It considered whether a binding legal regime would be useful or whether other approaches would be preferable. However the report suggests that progress at national level and cooperatively between states through the forum of the Arctic Council is more likely. Arctic-wide progress towards EBM should include participation by indigenous people, be non-legally binding, and become legally binding when appropriate.

Available at:


29. Buvang Vaaja, Nina 2010, Meeting of Deputy Ministers of the Arctic Council, viewed 28 September 2010,

http://arctic-council.org/article/2010/5/deputy_ministers_E28099_meeting_in_the_arctic_council,_27_may_2010

This was the first meeting of Deputy Ministers of the Arctic Council and it took place in Copenhagen on 27 May 2010. The meeting was a part of the Danish Chairmanship programme in the Arctic Council, which will conclude at the Ministerial Meeting in May 2011. The meeting began with the theme “responding to emerging challenges in the Arctic” and went on to discuss the increased need for Search and Rescue operations and plans for a legally binding agreement between the eight Arctic states to be ready for signature by the Foreign Ministers at the Ministerial Meeting in 2011. The Deputy Ministers also had the possibility to discuss the effects of short-lived climate forcers to the Arctic climate and environment and the exchange mechanism of scientific data. Finally the Deputy Ministers continued the discussion on the role of observers in the Arctic Council and the discussion on how to secure that the Arctic Council fulfill its objectives in the best possible and efficient way.

Available at:

http://arctic-council.org/article/2010/5/deputy_ministers_E28099_meeting_in_the_arctic_council,_27_may_2010
The National Oceanic and Atmospheric Administration (NOAA) developed an Arctic strategic plan to address their highest priorities in the region.

The six priority goals are:

- Forecast Sea Ice
- Strengthen Foundational Science to understand and detect Arctic climate and ecosystem changes
- Improve weather and water forecasts and warnings
- Enhance international and national partnerships
- Improve stewardship and management of Ocean and Coastal Resources in the Arctic
- Advance resilient and healthy Arctic communities and economies

In order to achieve these six goals, NOAA has set out the following four goals:

- **Step One:** Implement the six primary goals through the implementation of a five-year Arctic Action Plan
- **Step Two:** Coordinate all NOAA Line and Staff Offices and collaborate with local, regional, federal, academic, and non-governmental organizational partnerships.
- **Step Three:** Develop an engagement strategy to reach internal and external employees, partners, and stakeholders.
- **Step Four:** Formulate a detailed budget strategy with an anticipated initial investment of $10 million with additional funds available if needed to achieve the goals.

This article announced that NOAA is seeking public comments for the draft Arctic Action Plan until June 2010.

The draft is available at: [http://www.arctic.noaa.gov/docs/arctic_strat_2010.pdf](http://www.arctic.noaa.gov/docs/arctic_strat_2010.pdf)
operating in Antarctic waters. The paper also provides a list of recommendations for the ATCM to undertake including developing guidelines for oil spill response in the Antarctic Treaty area and adopting a resolution prohibiting vessel discharge of all vessel wastes with MPAs.

Available at: http://www.asoc.org/storage/documents/Meetings/ATCM/XXXIII/polar_vessel_code_ip068_e.pdf


This report looks at the impact of climate change on biodiversity in the Arctic, by focusing on twenty-two indicators of change across the biological spectrum from species to ecosystems to ecosystem services such as linguistic diversity and the importance of preserving indigenous languages. The key findings are:

- Unique Arctic habitats have been disappearing over recent decades.

- Some species of importance to Arctic people or species of global significance are declining.

- Climate change is emerging as the most far reaching and significant stressor on Arctic biodiversity. However, contaminants, habitat fragmentation, industrial development, and unsustainable harvest levels continue to have impacts. Complex interactions between climate change and other factors have to the potential to magnify impacts on biodiversity.

- Since 1991, the extent of protected areas in the Arctic has increased, although marine areas remain poorly represented.

- Changes in Arctic biodiversity are creating both challenges and opportunities for Arctic peoples.

- Long-term observations based on the best available traditional and scientific knowledge are required to identify changes in biodiversity, assess the implications of observed changes, and develop adaptation strategies.

- Changes in Arctic biodiversity have global repercussions.


Implementing and enhancing the provisions of existing treaties and other governance arrangements can achieve good governance. Global framework arrangements such as the UNCLOS, multilateral environmental agreements such as the UNFCCC and the Stockholm Convention on POPs and international economic arrangements (e.g. the WTO) already exist to protect the Arctic. Regional arrangements (e.g. the Arctic Council), sub-regional arrangements (e.g. the Norwegian/Russian fisheries regime for the Barents Sea, the Saami Parliamentary Council), national arrangements with transboundary effects (e.g. co-management regimes for wildlife management in Canada), and land claims agreements dealing with the rights of indigenous peoples could be honoured and strengthened.
These agreements can be supported and strengthened by a wide range of administrative bodies, including UN agencies and programmes (e.g. IMO, WHO, UNEP, UNDP), regional bodies (e.g. regional fisheries management organizations), Arctic-specific bodies (e.g. the working groups of the Arctic Council), Indigenous Peoples Organizations, sub-national bodies (e.g. the Northern Forum), and non-governmental organizations (e.g. the International Council for Science, the International Association of Classification Societies, the International Council for the Exploration of the Sea. The challenge and the key to good governance lie in cooperation and mutual assistance.


34. Steering Committee of the Arctic Governance Project 2010, An Arctic Action Agenda, Arctic Governance Project Recommendations, April 14, viewed July 24, 2010


The Steering Committee of the Arctic Governance Project (AGP) developed the following policy recommendations:

- Honor, implement, and enhance existing Arctic governance systems: This includes recognizing the rights of indigenous peoples in decision-making processes.

- Strengthen the mission, scope, structure, and functions of the Arctic Council.

- Establish regulatory mechanisms to address proactively key functional and sectoral issues through appropriate international bodies: This would include developing a legally binding Polar Code covering Arctic shipping and strong environmental measures under the auspices of the IMO. Legally binding rules on search and rescue and emergency response should be part of this.

- Institutionalize the science/policy interface in the Arctic: Establish a closer relationship between science and policy.

- Create non-governmental Arctic stakeholder forums or roundtables to build trust and stimulate dialogue on Arctic issues: Relaxed and ‘off-the-record’ forums should be set up to encourage thinking and facilitate knowledge exchange.

The text of letter sent to leaders of the Permanent Participants on 15 April 2010 is available at:

http://www.arcticgovernance.org/getfile.php/1209462.1529.beuqyaayfv/Cover+letter+to+the+Permanent+Participants+of+the+AC.pdf

The text of letter sent to the leaders of the Permanent Participants on 15 April 2010 is available at:

35. Letter from State Secretary of Norway, Mr. Erik Lahnstein to the Arctic Council Deputy Ministers “Observed best practices in Ecosystem-based Oceans Management in the Arctic Countries” April 2010.

The need for oceans management based on an ecosystem approach is widely recognized by the international community. This was reflected in calls for the implementation of the ecosystem approach by 2010 in the 2002 Johannesburg Plan of Implementation from the World Summit on Sustainable Development (WSSD), in recommendations from the UN General Assembly, and in the CBD and in the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem.

Conclusions:

- Effective ecosystem-based oceans management should be flexible and recognize that a number of different practices and methods will work best.
- Decision-making should be science based and integrated among states and sectors
- Commitment at national level is needed for effective management
- Area based approached and transboundary perspectives are necessary.
- Stakeholder and Arctic resident participation is a key element for ecosystem-based oceans management.
- Adaptive management strategies are critical.

36. Office of the Minister of Foreign Affairs and International Trade, Canada 2010, Arctic Ocean Foreign Ministers’ Meeting, viewed September 30, 2010


Representatives of the five Arctic Ocean coastal states, Canada, Denmark/Greenland, Norway, the Russian Federation, and the United States of America met at the ministerial level in Chelsea, Canada on 29 March 2010.

Regarding oil and gas development:

While development may be years in the future, the renewable, and non-renewable resource potential of the Arctic Ocean presents tremendous opportunities for the Arctic Ocean region. Managed sustainably and through good stewardship, these resources can contribute to economic prosperity and social well-being, including for indigenous peoples, for generations to come. The Arctic Council has recently released a report on Arctic Energy and has approved Arctic Offshore Oil and Gas Guidelines. The five Arctic Ocean coastal states are committed to implementing these guidelines as appropriate to protect the Arctic marine environment from unwanted environmental effects.

Regarding Fisheries:

There is an existing applicable and comprehensive international legal framework that applies to the Arctic Ocean and Arctic Ocean coastal states have a unique interest and role to play in current and future efforts for the conservation and management of fish stocks in this region

Regarding Research:
As the Arctic Ocean undergoes change, a solid knowledge base – built on Arctic science, research, and traditional knowledge - will be critical for sound, long-term analysis and policy-making. It will benefit from enhanced coordination and communications. We will want to further encourage the excellent work underway, including the Arctic Council’s efforts to ensure a strong legacy to the International Polar Year, and facilitate access to both land and marine areas of the Arctic, consistent with international and national law, to strengthen cooperation amongst our scientific communities. We also discussed the value of the creation of an Arctic Regional Hydrographic Commission, which would result in a better understanding of the features of the Arctic Ocean and its coastal areas, essential knowledge for safe navigation.

Available at: http://www.international.gc.ca/polar-polaire/arctic-meeting_reunion-arctique-2010_index.aspx?lang=en

37. Office of the Minister of Foreign Affairs and International Trade, Canada 2010, Minister Cannon highlights Canada’s Arctic leadership at Arctic Ocean Foreign Ministers meeting, viewed September 30, 2010

www.international.gc.ca/media/aff/news-communiques/2010/120.aspx

Lawrence Cannon, Canadian Minister of Foreign Affairs, met with foreign ministers of the five Arctic Ocean coastal states—Canada, Denmark, Norway, Russia, and the United States—in Chelsea, Quebec.

“By virtue of our sovereignty, sovereign rights and jurisdiction in large parts of the Arctic Ocean, we are in a unique position to address new opportunities and challenges in the region,” said Minister Cannon. “We are committed to doing so within the extensive international legal framework that applies to the Arctic Ocean.

“Our citizens and northern inhabitants expect us to continue to show leadership on Arctic issues, and that is what we are doing. We are not reacting to change but shaping it. This meeting provided an opportunity for a forward-looking discussion among states with unique interests and responsibilities for the stewardship of the Arctic Ocean.”

Available at: www.international.gc.ca/media/aff/news-communiques/2010/120.aspx

38. Blanchfield, Mike, ‘Canada-Russia clash over Arctic resources as Gatineau meeting looms’ Canadian Press, March 17, 2010, viewed September 30, 2010


Statements issued by both Russia and Canada reflect increasing tension regarding Arctic territories, according to this article. Russian President Dmitry Medvedev has said, “Other polar nations already have taken active steps to expand their scientific research as well as economic and even military presence in the Arctic. Regrettably, we have seen attempts to limit Russia’s access to the exploration and development of the Arctic mineral resources. That’s absolutely inadmissible from the legal viewpoint and unfair given our nation’s geographical location and history.”

Minister of Foreign Affairs Lawrence Cannon’s office responded with the following remark: “Canada’s sovereignty over lands, islands and waters of the Canadian Arctic is long-standing,
well-established and based on historical title. The government is dedicated to fulfilling the North’s true potential as a healthy, prosperous, and secure region within a strong and sovereign Canada. We take our responsibility for the future of the region seriously.”

Available at: http://www.news1130.com/news/national/article/36552--canada-russia-clash-over-arctic-resources-as-gatineau-meeting-loom


http://www.eli.org/Seminars/event.cfm?eventid=539

The Alaska Eskimo Whaling Commission and the Environmental Law Institute brought together representatives of US Arctic communities (including Barrow, Savoonga and Kotzebue) and federal agencies to discuss US Arctic coastal and marine spatial planning (CMSP). Discussions centered on rights, traditions and experiences of Arctic people, existing co-management practices, competing management imperatives and how to build on the existing system toward an Arctic CMSP framework.

Available at: http://www.eli.org/Seminars/event.cfm?eventid=539


General Victor Renuart (USAF), Commander of the U.S. Northern Command and the North American Aerospace Defense Command, addressed the Arctic, Climate Change, and the Law of the Sea in his prepared testimony:

Regarding National Security Implications of Arctic Change:

“The 1982 Convention on the Law of the Sea is a seminal agreement of the extensive international legal framework that applies to the Arctic Ocean. Global interest in the Arctic region shows no hint of ebbing, evidenced by the summer 2009 transit of two German-owned cargo vessels through the Northern Sea Route, westbound from the Atlantic to the Pacific Ocean. Increased activity necessitates that the United States become party to the Convention in order to protect and advance national interests in the Arctic by enhancing our national security (including the maritime mobility of our Armed Forces), securing U.S. sovereignty rights over extensive marine areas (including the valuable natural resources they contain), and giving the U.S. a seat at the table when rights vital to our interests are debated and interpreted.”

Available at: http://armed-services.senate.gov/statemnt/2010/03%20March/Renuart%2003-11-10.pdf
The article discusses the soft-law approach to Arctic governance and how policy dynamics in the region are changing. The Arctic was long thought of as a “frozen desert” but now the shift to the perception that the region is a “biophysical, socio-economic region” should affect how Arctic states cooperate and govern the region.

The development of international law in the region has been mostly soft-law work in science and environmental protection conducted under the auspices of the Arctic Council. The Arctic Council, despite much development through its working groups, is a soft-law body and cannot produce legally binding rules and standards. The output of the working groups has been of a scientific nature.

Two major events which prompted policy discussion and Arctic cooperation were the planting of the Russian flag on the Lomonosov Ridge in August 2007 and the sea-ice minimum which was recorded in September 2007. The five coastal states met in Ilulissat, Greenland in May 2008 to promote recognition of the development of policy action in various policy areas. The result was the Ilulissat Declaration. The policy responses are documented.

In May-June 2008, the US Congress passed the a Joint Resolution to calling upon the United States to work with international partners to develop mechanisms to manage migratory and transboundary fish stocks in the Arctic Ocean. The Russian Federation adopted its national Arctic policy in September 2008. The European Parliament adopted a resolution in October 2008 calling for the Commission to prepare for commencing negotiations over a very ambitious and inclusive international treaty designed to protect the Arctic environment and modeled on the Madrid Protocol to the Antarctic Treaty. The European Commission produced a communication in November 2008 addressing not the aforementioned concern but outlining instead specific actions in the areas of protecting and preserving the Arctic in unison with its population, promoting sustainable use of resources and contributing to enhanced Arctic multilateral governance. The US adopted the US Arctic policy Directive on January 9 2009. The Canadian Northern Strategy was launched after the 2008 Arctic Ministerial meeting and focused on exercising Arctic sovereignty, protecting environmental heritage, promoting social and economic development, and improving and devolving Northern governance.

The article notes that there is a need for proactive regulation acknowledged by the European Union and the Arctic States. Yet, the only bodies so far who have advocated legally binding instruments for the Arctic are the WWF Arctic Programme and the European Parliament. Most of the Arctic States and the EU currently seem to favour sector-based regulation such as making the International Maritime Organization’s 2009 Polar Code legally binding and relying on the Arctic Council’s Arctic Offshore Oil and Gas Guidelines. The possibility of arguing that an international treaty is in fact, required by international law, namely Articles 122 and 123 of the Law of the Sea Treaty is also mentioned.
territories, believed to hold vast untapped oil and gas reserves, have been at the center of disputes between the United States, Russia, Canada, Norway, and Denmark as rising temperatures lead to a reduction in sea ice and make hydrocarbon deposits under the Arctic Ocean increasingly accessible.

Under international law, each of the five Arctic Circle countries has a 322-kilometer (200-mile) exclusive economic zone in the Arctic Ocean. However, under the United Nations Convention on the Law of the Sea, if a country can show its continental shelf extends beyond the 200-mile limit, it can claim rights to more of the ocean floor.

Russia has undertaken two Arctic expeditions - to the Mendeleyev underwater chain in 2005 and to the Lomonosov Ridge in the summer of 2007 - to support its territorial claims in the region. Russia first claimed the territory in 2001, but the United Nations demanded more evidence. Russia has said it will invest some 1.5 billion rubles ($49.7 million) in defining the extent of its continental shelf in the Arctic in 2010 in order to prove its right to more of the Arctic floor.

Available at: http://www.eurasiareview.com/20100315620/putin-defends-russias-arctic-rights-calls-for-dialogue.html

43. UN News Centre 2010, ‘Climate change and poisonous chemicals focus of new UN study’, 12 March, viewed 26 August 2010,

A new UN study will research the impact of the world’s most hazardous chemicals on human health and the environment. Leading scientist Dr. Fatoumata Keita-Ouane suggests that this will impact the Arctic region in the sense that climate change is expected to alter the exposure levels of marine mammals such as seals or polar bears to toxic substances. The study will involve more than ten organizations in five countries and will review current and new persistent organic pollutants.


The Stockholm International Peace Research Institute has released its short report "China Prepares for an Ice-Free Arctic" by Linda Jacobson. Supported by the Norwegian Ministry for Foreign Affairs, the report examines China's growing attention to the Arctic, but in particular, it’s commitment to Arctic scientific research and to geostrategic views expressed by Chinese officials and experts as to the benefits and costs of increased Chinese engagement in the region.

China has been increasing its attention in the Arctic, seeking official observer status on the Arctic Council, and making statements regarding the importance of recognizing global interests in the review of claims to the extended continental shelf.

The opportunities identified by Chinese Arctic specialists include:
- Reduced logistics costs for shipping
- Development of high-latitude ports in China to support Arctic trade route
- Development of Arctic Tourism
- Changing of ocean shipping patterns in ways that favor China

The report also suggests that China may see an opportunity in providing capital to develop Russian offshore oil and gas deposits.

The report includes the political perspective from China as given by Assistant Minister of Foreign Affairs Hu Zhengyue:

“He (Hu) expressed China’s support for Arctic countries’ sovereign and judicial rights—for example, in relation to the continental shelf—endowed by international laws including the 1982 United Nations Convention on the Law of the Sea. At the same time, according to Hu, China thinks these laws need to be refined and developed due to the circumstances that are arising from the melting of the ice. It looks on the Arctic Council as the most influential regional governmental organization. China has participated as an ad hoc observer in two Arctic Council ministerial meetings, in 2007 and 2009, and hopes that its application to be granted permanent observer status will be decided as soon as possible.

Hu stressed the need for cooperation among Arctic and non-Arctic states.”

In his speech at Svalbard, Hu acknowledged that the Arctic is mainly a regional issue but said that it is also an inter-regional issue due to climate change and international shipping. Hu did not mention energy and other natural resources. Unsurprisingly, China would like to see the Arctic states recognize the interests of non-Arctic states. As Hu said, ‘When determining the delimitation of outer continental shelves, the Arctic states need to not only properly handle relationships among themselves, but must also consider the relationship between the outer continental shelf and the international submarine area that is the common human heritage, to ensure a balance of coastal countries’ interests and the common interests of the international community.’ Professor Guo Peiqing put it more directly: ‘Circumpolar nations have to understand that Arctic affairs are not only regional issues but also international ones.’

Jakobson also makes a point relevant to international law and to the Law of the Sea Convention:

“The notion that China has rights in the Arctic can be expected to be repeated in articles by Chinese academics and in comments by Chinese officials until it gradually begins to be perceived as an accepted state of affairs. However, under international law, China’s rights in the Arctic are limited. Moreover, China’s insistence that respect for state sovereignty be a guiding principle of international relations makes it difficult for China to question the Arctic states’ sovereignty rights.

In this view, the LOS Convention is a protector of the sovereign rights of Arctic coastal states, including the United States (though the question of applicability of the Convention to recognition of US claims is open to debate by parties that claim the LOS Convention is an agreement among parties rather than customary international law).

On the other hand, the SIPRI report sees advantages to the Nordic states in laying a foundation for "a unique relationship with China by engaging Chinese officials and academics on Arctic issues—ranging from climate change and maritime rescue operations to commercial shipping routes and resource exploration.”
45. MeeDixon, Juliette, “Taking the temperature of Arctic Governance” Atlantic-Community.org, March 10, 2010

New shipping routes in the Arctic offer unprecedented commercial opportunities thereby redesigning the world trade map. Sovereignty issues are at play and coastal states are already fighting over these new maritime routes so as to decide if the straits are international or sovereign.

Various studies confirm that the Arctic region concentrates about 30% of the remaining world reserves of natural gas and some 10% of the world reserves of oil. This triggered a sudden interest in the Arctic region from the “Arctic 5:” the US, Canada, Russia, Denmark and Norway, all claiming a part of the Arctic territory in order to exploit natural resources. Strategic interest in this region has increased military activity: Russia, Canada, the US and Denmark have all recently taken steps towards increased military presence in the region. Some experts say, this signaled a revival of the Cold War.

While resource exploitation has allowed the newly first Indigenous State of Greenland to develop, new actors including China, Japan and the EU, with no geographical ties to the region have come into the picture. The Arctic region crystallizes contradictory interests among various actors, notably those of states, NGOs, corporations, and local authorities. Will this multifaceted context lead to cooperation or conflict? Above all, to what extent will the fight against climate change prevail over all the above-mentioned interests and developments? Ensuring nature conservation depends on leaving natural resources where they are and designing shipping routes in a way that limits impacts of human activity on the environment. Can a balance between national interests and global well-being be reached?

Answers to these questions depend largely on each stakeholder’s interests. In order to give the most comprehensive view of the challenges revolving around these issues, the atlantic-community.org editorial team has solicited articles by authors from different nationalities and backgrounds:

- Dr. Lev Voronkov, Professor at the Moscow State Institute of International Relations gave an overview of the Russian strategy regarding the Arctic Region.
- Dr. Paal Sigurd Hilde, Head of the section for Norwegian security policy at the Norwegian Institute for Defense Studies and a participant in the Geopolitics in the High North research program, gave the Norwegian perspective.
- Kenneth S. Yalowitz, Ambassador (ret.), Director of the Dickey Center for International Understanding and Ross A. Virginia, Director of the Dickey Center Institute of Arctic Studies jointly tackled the possible scenarios for the future Arctic governance “Great Game” International cooperation in the light of the economic downturn.
- Klaus Dodds, Professor of Geopolitics at Royal Holloway, University of London, and Editor of The Geographical Journal wrote about sea and state change.
- Mia Benett, a fourth-year undergraduate student in Political Science and European Studies at the University of California presented the potential power struggle in the Arctic region.
- Ingrid Lundestad, Research Fellow at the Norwegian Institute for Defense Studies detailed the shift in the American approach to the Arctic challenges from the Bush to the Obama administration.

- Dr. Robert W. Corell is the Director of the Global Change Program at the H. John Heinz III Center for Science, Economics, and the Environment, studied the coupled impacts of climate change and globalization on the Arctic region’s governance.

Available at: [http://atlantic-community.org/index/articles/view/Taking_the_Temperature_of_Arctic_Governance](http://atlantic-community.org/index/articles/view/Taking_the_Temperature_of_Arctic_Governance)


Ocean Law Daily notes the questions and answers between United States Senate Armed Services Committee (SASC) Chairman Carl Levin and the Secretary of the Navy and Chief of Naval Operations Gary Roughead regarding their endorsements Law of the Sea Convention:

LEVIN:
Admiral, your prepared statement says that, quote, "accession to the Law of the Sea Convention remains a priority for the Navy.” Is that your personal and professional view regarding accession to that convention?

ROUGHEAD:
Absolutely. And it's even more important than just the Navy, Senator. I believe that as we deal with resource issues in the coming years and decades, being party to that treaty will be in the best interest of the nation.

LEVIN:
Secretary, your prepared statement said that you support ratification of that convention, saying that, quote, "ratification would enhance the ability for international maritime rules and ensure our access to critical air and sea lanes of communication."

Secretary, what effects would you foresee if we do not ratify that convention?

MABUS:
Senator, I think that ratifying the convention will give us much more ability to -- to make those things happen in terms of free access to sea lanes in terms of our ability to use the sea as a maritime commons, and I think that if we do not ratify that convention, we take some risk in -- in being able to do some of the things that we need to do.


The Arctic Species Trend Index (ASTI) was commissioned and coordinated by the Circumpolar Biodiversity Monitoring Program (CBMP). The CBMP works with over 60 organizations to
expand, integrate, and enhance existing arctic biodiversity research and monitoring efforts to facilitate more rapid detection, communication, and response to significant trends and pressures. The CBMP is the cornerstone program of the Arctic Council’s Conservation of Arctic Flora and Fauna [CAFF] Working Group. The Arctic Species Trend Index uses population-monitoring data to track trends in marine, terrestrial, and freshwater Arctic vertebrate species. This report monitors trends of Arctic species populations. Key findings have shown various areas for concern including:

- High Arctic species populations have decreased by an average of 26% between 1970 and 2004.
- Sub Arctic species populations peaked in the mid-1980s and have been on the decline ever since.
- There has been a dramatic increase in sea-ice extent in the High Arctic.

Available at:


Alaska Senator Lisa Murkowski, speaking at the Council on Foreign Relations at a roundtable on Arctic Policy, pinpoints where the Law of the Sea has gotten stuck in a Democratic Administration and Democratic Senate:

"As you know, I am a strong proponent of ratification of the United Nations Convention on the Law of the Sea. The United States must ratify the treaty but we remain at a stalemate: the White House looks to the Senate to lead and the Senate waits for stronger support from the Administration. As the only Arctic nation not a party to the treaty, failure to ratify continues to keep the United States at a disadvantage internationally and outside the process, without a seat at the table."

"While I was pleased that the United States released its long awaited Arctic Regional Policy in early 2009, implementation is still lagging. It may be necessary for Congress to step in and help move the process. While certain branches of the government, like the Navy and Coast Guard, are developing and implementing their portions of the policy, it is still not nearly to the degree I would like. Certainly other Arctic and non-Arctic nations are moving much more quickly to develop policies and support them, than we are.

"I believe we are at a very critical time in the Arctic. As many of us have identified, there are two paths we can go down in regards to international relations -- one is a path of competition and conflict, and the other is one of cooperation and diplomacy. This decision, and the direction it takes, will require vision and dynamic leadership, both at home and abroad. I believe the United States, as one of the most powerful Arctic nations, must step up and provide it.

Available at:


Hillary Clinton spoke before the Senate Foreign Relations Committee in endorsing the Law Of the Sea Convention:

“We are developing a new architecture of cooperation to meet transnational global challenges like climate change and the use of our planet’s oceans. With regard to the latter, I want to reiterate my support for U.S. accession to the Convention on the Law of the Sea. Our country stands to gain immensely from this treaty. Everything we know from what we are picking up with respect to other countries’ use of the tools under the Law of the Sea demonstrates that we will lose out, in economic and resource rights, in terms of environmental interests, and national security.”

Available at: http://www.state.gov/secretary/rm/2010/02/137256.html


This report details the international and national legal regimes in place governing Arctic shipping. The Law of the Sea is examined, as is the international legal regime for the regulation of maritime shipping. The laws and regulations of the coastal Arctic states are also reviewed. Conclusions and options for multilateral reform are presented and are divided into two categories, those that can be pursued within IMO and those options to be pursued outside IMO. The options within include legally binding and non-legally binding CDEM standards with an IMO Code on Polar Shipping. This would be complemented by a number of measures covering maritime safety and pollution prevention, special discharge, emission, fuel content, ballast water exchange and navigation standards. Outside of IMO, four types of options are suggested: 1) a strategy on port State jurisdiction 2) complementary action on issues such as planning, preparedness and response for pollution incidents, search and rescue, places of refuge and compliance and enforcement of laws and regulations 3) international consultations on Arctic navigation to address the diverging views of coastal and flag States on which of the law of the sea’s navigation regimes apply in the Northwest Passage and the NSR 4) integrated approaches based solely on shipping or in the context of cross-sectoral ecosystem-based management of the Arctic marine area.


This article offers arguments in opposition to UNCLOS.

Firstly, he says that the Navy’s freedom to navigate does not flow from UNCLOS, customary international law “rather, it flows solely from the will of the American people, manifested in Articles I and II of the U.S. Constitution. UNCLOS supporters often lose sight of this, but it is
critically important to bear in mind. Our Constitution is the source of legitimacy for America’s role in the world, not the UN Charter or a UN treaty. “

Secondly, “virtually everything that the Navy insists can only be protected by accession to UNCLOS is already covered in existing treaties to which the U.S. is a party. These treaties remain in force, and will remain in force independently of UNCLOS.”

Thirdly, and perhaps most importantly, UNCLOS created “a massive international UN court in Hamburg, Germany, to resolve disputes arising under the Convention….U.S. accession to UNCLOS would be a watershed moment, posing a very new and very concrete reality: for the first time, our adversaries would be able to use a UN tribunal to help them restrict or hamper Navy navigational decisions which may now, under the 1958 regime, be made freely and solely by our nation, without UN or other international interference.”

If the US agrees to sign on to UNCLOS, Douglas feels that “the Navy will be forced to defend its equities … on at least three fronts: against at an unaccountable UN tribunal in Germany; within our own executive branch here at home; and in our own federal and state courts.” This could be avoided by simply not signing on. Other flaws that he points out are: “the oft-repeated myth that the Clinton administration somehow “repaired” the UNCLOS defects that led President Reagan wisely to reject the Convention; and the myth that UNCLOS permits a specific U.S. “veto” over activity within the Convention regime. In fact, the words “veto” and “United States of America” do not appear anywhere in UNCLOS, its annexes, or the Clinton protocol.”

Available at:
http://www.familysecuritymatters.org/publications/id.5571/pub_detail.asp

52. Meyer, Carl “Canada called out by Arctic allies Iceland, Finland and Sweden frustrated at non-invitations to Arctic summit” Embassy, February 17, 2010

Canada’s decision to exclude the non-coastal Arctic States has led to concern from Iceland, Finland, and Sweden. In interviews with The Embassy, Canada’s foreign policy magazine, officials from each country made the following statements:

Sweden: Senior Arctic official Helena Ödmark said “We have not heard any explanation we could understand as to what the issues are that Canada wants to discuss in that restrictive framework. We worry that it will have negative effects, of course, and we don’t want to see that. … We do see quite a risk of having this kind of a meeting and not being able to explain what the issues are.”

Iceland: Foreign Affairs spokesperson, Urður Gunnarsdóttir said, "Iceland is concerned and believes that the proposed meeting might undermine the importance of the Arctic Council."

Finland: Foreign Affairs Minister Alexander Stubb said that the Arctic Council should be "the primary player in the region.” “I'm not a big fan of the coastal states meeting. I'm a big fan of the Arctic Council.... You always prefer to sit around the table where the decisions are taken.

Available at:
www.embassymag.ca/page/view/arctic-02-17-2010

53. Arctic Marine Shipping Assessment (AMSA) 2009 Report with Recommendations, February 2010
The focus of the AMSA is marine safety and marine environmental protection and recommendations were developed to provide a guide for future action by the Arctic states, Arctic Council and others.

Recommendations to enhance Arctic Marine Safety:

- Linking with international organizations such as the International Maritime Organization, the International Hydrographic Organization (IHO), the World Meteorological Organization (WMO), and the International Maritime Satellite Organization (IMSO) to advance the safety of marine shipping.

- Support the application of the IMO Measures for Arctic Shipping by drawing from the IMO instruments.

- Explore the harmonization of Arctic marine shipping regulatory regimes within Arctic states own jurisdiction and uniform Arctic safety and environmental protection regulatory regimes, consistent with UNCLOS. These could provide a basis for protection measures in regions of the central Arctic Ocean beyond coastal state jurisdiction for consideration by the IMO.

- Strengthen passenger ship safety by supporting the application of the IMO’s Enhanced Contingency Planning Guidance for Passenger Ships Operating in Areas Remote from SAR facilities and strongly advise cruiser ships to design and develop their own best practices.

- Encourage the Arctic States to develop and implement a comprehensive multi-national Arctic Search and Rescue instrument among the eight Arctic states.

Available at:

http://www.pame.is/amsa/amsa-2009-report


This report examines the ecosystem approach, an overarching framework through which to reconcile the needs of people and biodiversity in the Arctic. Six case studies are presented of an Arctic species that carry a significant social, cultural, and economic significance to the peoples of the region. In addition, stakeholders give their own perspectives on environmental governance of the Arctic. Six options for enhancing integrated management in the Arctic are also presented. The Case Studies are as follows:

- Case study 1: Linking human and biodiversity needs
- Case study 2: Wolverine
- Case study 3: Reindeer
- Case study 4: Alcids
- Case study 5: Seals
- Case study 6: Polar bears
- Case study 7: Red king crab

Six options for a better-managed Arctic environment:
- Continuous and innovative research
- Adaptation
- Coordination and cooperation: Improve and coordinate action of international agreements that cover issues of climate change, biodiversity, and indigenous peoples (e.g. Convention on Biological Diversity, UNFCCC, the United Nations Declaration on the Rights of Indigenous Peoples), integrate and harmonies multilateral environmental agreements (MEAs)
- Traditional knowledge: Recognize, document and communicate to a wider group of stakeholders such as oil and gas, national authorities
- Co-management: Develop the legal basis and mechanisms regarding indigenous rights in national legislation
- Stakeholder involvement: Empowering Arctic peoples in enhanced participation of national implementation of MEAs

Available at: [http://dev.grida.no/meadraft/MEA_v6.pdf](http://dev.grida.no/meadraft/MEA_v6.pdf)

55. Reflections on table summaries at the Arctic Governance Project Meeting in Tromsø, January 29-30, 2010

In this paper, Annika E. Nilsson reflects on themes which were up for discussion at the Arctic Governance Project Meeting held in Tromsø in January 2010. Basic foundations for the Arctic include having respect for it as a homeland, self-determination emanating from the UN Declaration on Indigenous Rights, respect for existing international law, acknowledging the diverse range of voices in the Arctic and acknowledging the need for dialogue with non-Arctic states and making global connections. The means and the tools for moving forward should be found within dialogue in a range of fora such as the Northern Forum, a youth parliament and the Arctic Council who should widen their mandate and formally link to global regimes such as UNFCCC. Existing governance arrangements at multiple levels should be used and respected and cooperation and interaction across borders should ensure that all have the capacity to participate in dialogues.

Available at: [http://www.arcticgovernance.org/getfile.php/1176770.1529.ebqrwdyqrx/Reflections+on+table+summaries+by+Annika+Nilsson%5B1%5D.pdf](http://www.arcticgovernance.org/getfile.php/1176770.1529.ebqrwdyqrx/Reflections+on+table+summaries+by+Annika+Nilsson%5B1%5D.pdf)


Regarding cooperation:

The issues in the Arctic are mostly regional but two issues are trans-regional: climate change and marine shipping. China respects the sovereignty of the Arctic states and their sovereign rights and jurisdictions under international law. China would like to enhance mutually beneficial cooperation with relevant parties, and contribute to peace, stability and sustainable development of the Arctic region.
Regarding legal framework:

China holds that the basic legal framework for addressing Arctic affairs in place is: The UN Convention on the Law of the Sea, legal documents adopted by the International Maritime Organization (IMO) including the IMO Guidelines for Ships operating in Polar Waters, MEAs applicable to the Arctic, regional documents of international law and regional cooperation mechanisms, the Treaty on Spitsbergen Archipelago. However the uncertainty of the legal status of relevant sea areas may hinder further cooperation in the Arctic. States should find solutions based on international law and cooperation. “full consideration should be given to the fact that the outer continental shelf is linked to the International Seabed Area as the common heritage of mankind, so as to ensure a balance between the rights and interests of the coastal states and the common interests of the international community.

Regarding opening up of shipping lanes:

China is pleased to note that the recommendations raised by Arctic Marine Shipping Assessment (AMSA) have implemented by relevant States and international organizations in an expeditious manner.

Regarding science and research:

China conducted three Arctic marine scientific expeditions in 1999, 2003 and 2008 and 2010. The Yellow River station has been established in the Arctic.

Available at:


Regarding relationship with Norway:

“We have close historical ties that stem from the waves of Norwegian immigrants starting in the 19th century to our sixty years as NATO allies.

Regarding the importance of Arctic region to the US:


Regarding the Arctic council:

The Arctic Council has produced positive results, but we are constantly seeking to improve the Council’s work. We work with our Arctic partners within the United Nations and its various specialized agencies and treaties to advance Arctic interests. The basic message is that there is already an extensive legal framework that applies to the Arctic, and there are already many mechanisms for Arctic stakeholders, including the United States, to use in addressing emerging issues. Arctic Council actions are non-binding and recommendatory in nature. However, these recommendations can then lead to binding action in other fora. For instance, the recent Arctic
Marine Shipping Assessment (AMSA), which the United States co-led with Canada and Finland, includes 17 recommendations for action. Some of these call for the Member States to work together in bodies such as the International Maritime Organization and the World Meteorological Organization to enact measures to safeguard shipping in the Arctic. The 2011 Arctic Council Ministerial will negotiate a circum-Arctic instrument on maritime and aeronautical search and rescue to be signed at the 2011 Arctic Council Ministerial.

Available at:

58. Erickson, Karen 2010, “Arctic Resources up for grabs; Are U.S. hands tied?”, Sea Coast Online, January 24, viewed February 16 2010

http://www.seacoastonline.com/articles/20100124-OPINION-1240344

This article deals with the UN Convention on the Law of the Sea (UNCLOS) and the fact that the United States Senate have not acted to join this legal regime despite government support, both Republican and Democratic. According to the author, the US will gain significantly from joining the UNCLOS which includes access to offshore resources and the deep seabed, forwarding territorial shelf claims to the UNCLOS Commission on the Continental Shelf and gaining representation on the International Tribunal for the Law of the Sea (ITLOS) which is crucial in deciding jurisdictional issues, especially illegal fishing practices. The National Security Presidential Directive 66, a policy paper issued in January 2009 called upon the Senate to act promptly in order to protect maritime mobility of the US armed forces, secure sovereign rights over natural resources in marine areas and to give the US a “seat at the table where .. rights are discussed and interpreted.”

Available at: http://www.seacoastonline.com/articles/20100124-OPINION-1240344


http://www.nytimes.com/2010/01/05/science/earth/05satellite.html

Scientists from industry and major universities in the United States including Harvard University are collaborating with the Central Intelligence Agency (CIA) to gather information from natural phenomena to assess environmental change. This means that the scientific monitoring can draw on federal surveillance equipment, including satellites of the National Reconnaissance Office. The CIA believe that it is crucial to examine potential national security implications of rising sea levels and population shifts. CIA satellite imagery includes ice imagery of the Arctic from six sites inside the Arctic Circle. Scientists hope to closely monitor the changes in order to better understand the effect of climate change.

Available at: http://www.nytimes.com/2010/01/05/science/earth/05satellite.html
This article describes the development of the international ocean law since the adoption of the Law of the Sea Treaty. He discusses the fact that Parties to the LOS Treaty have come to recognize that UNCLOS does not have an answer for the new questions emerging in the law of the sea. The provisions of the Convention are insufficient to deal with certain problems or do not consider them at all. For example, regulations concerning highly migratory species have been dealt with by the UN fish Stocks Agreement, which introduce changes to the UNCLOS. Other emerging questions not foreseen by the UNCLOS include genetic resources of the high seabed and human rights of indigenous peoples. General rules of international law will have to be applied and specific sectoral rules reconciled.

An Arctic ocean that is open to fishing, resource exploitation and development and shipping requires new rules. The first report analyses the international legal regime and concludes that there are large gaps in governance and management regimes. The second report outlines governance and policy options available to protect the Arctic environment and the third report proposes a new arctic framework convention as a solution to address the urgent gaps.

Available at: http://assets.panda.org/downloads/3in1_final.pdf

http://www.hcn.org/blogs/range/whats-next-for-indigenous-peoples-facing

This article documents the role of indigenous rights at the COP 15 talks held in Copenhagen in December 2009. Indigenous people achieved a small victory by the insertion of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) into page two of the Reduced Emissions from Deforestation and Degradation (REDD) draft agreement:

“Respect for the knowledge and rights of indigenous peoples and members of the local communities, noting General Assembly has adopted the United Nations Declaration on the Rights of indigenous peoples and taking into account relevant international obligations, national circumstances and legislation.”

However, by Dec. 16 the victory weakened when the reference to UNDRIP was changed to:

"Recognizing the need for full and effective engagement of indigenous peoples and local communities in, and the potential contribution of their knowledge to, monitoring and reporting of activities."

This is the wording as it appears in the final REDD treaty. Director of the US based Indigenous Environmental Network, Tom Goldtooth, said that there was “no recognition or provisions for the rights of indigenous peoples.”

Available at: http://www.hcn.org/blogs/range/whats-next-for-indigenous-peoples-facing


http://www.robindesbois.org/arctic/polar_star_2_EN.html

French NGO Robin Des Bois released an inventory documenting polluted sites in the Arctic through correspondence with authorities in the US, Canada, Greenland, Norway, Sweden and Finland. The inventory concerns sites polluted by metals, chemicals, domestic waste and excludes radioactive pollution. The maps show both pollutants externally transported by atmospheric and oceanic currents and internal pollutants in the Arctic Ocean itself. The full inventory and maps are available online.

Available at: http://www.robindesbois.org/arctic/polar_star_2_EN.html


This article concerns the scientific monitoring of the Greenland mass loss and documents key data since 2000. Satellite gravity observations from the Gravity Recovery and Climate Experiment (GRACE) satellites; enable scientists to quantify the individual components of recent Greenland mass loss.


The University of Alaska Fairbanks has begun building the Alaska Region Research Vessel, a 254-ft ice-capable research vessel to bring scientists into Alaska’s ice covered waters. Capable of breaking ice up to 2.5 feet thick, the vessel will allow researchers to collect samples of sediment from the seafloor, host remotely operated vehicles and conduct surveys of the water and seabed. It is intended that the vessel will be used not only by scientists in the US, but also by those in the international oceanographic community through the University-Nation Oceanographic Laboratory System.

Available at:

5. George, Jane 2009, “Global climate change deal won’t please everyone” in Nunatsiaq Online, December 9, viewed February 16 2010,

http://www.nunatsiaqonline.ca/stories/article/83457_global_climate_change_deal_wont.Please_everyone/

This article discusses how a climate change deal at Copenhagen in December 2009 is likely to disappoint those indigenous people living in the Arctic.

Sheila Watt-Cloutier, the former president of the Inuit Circumpolar Council has said that any global plan on climate change should compensate indigenous people for damages caused by global warming.

Mary Simon, president of Inuit Tapiriit Kanatami, and an advisor to Canada’s delegation at the climate change meeting, is also urging world leaders to make money available to populations at risk in the richer countries of the world, such as Inuit.

Gunn-Britt Retter, head of the Arctic and environmental unit of Saami Council, says she fears the Copenhagen deal will end up being almost as great a problem for Saami as climate change itself. Fighting climate change by cutting emissions from oil, coal and gas power production will see more pressure to build wind farms, hydro-electric dams and nuclear power plants built on Saami lands. Retter pointed to a company in Sweden, which recently received permission to start constructing the first of six windmill parks in the Jingevaerie Saami community, with 455 windmills, as tall as 80 meters, most of which will be on lands used by reindeer herders.

Available at:
http://www.nunatsiaqonline.ca/stories/article/83457_global_climate_change_deal_wont.Please_everyone/


Shell Oil has been given permission to drill exploratory wells in the Chukchi Sea off Alaska’s northwest coast from July 2010. The Federal Minerals Management Service granted permission on the 7th December 2009 and plans to drill three exploratory wells are underway. This program will require a 514 foot drillship, ice-breaker and support vessels and aircraft to navigate the region about 150 miles offshore northwest of Barrow.

Director of the Pew Environments Group’s U.S. Arctic Program Marilyn Heiman believes that this will have a significant impact on the ecologically rich waters and that careful scientific research should precede any drilling in the Chukchi. Dangers include the risk of devastating oil spills in the sensitive marine environment where adequate clean up technology has not been proven to work. Migrating bowhead whales and other marine mammals such as walrus, ice seals which are central to the Inupiat people will be affected.

Other dangers include air and water pollutants from waste and noise pollution from seismic testing. Heiman urged the Obama administration to take a science based precautionary approach to any new oil development in the U.S. Arctic Ocean. Pew notes that climate change has already caused the Arctic to warm at twice the rate of the rest of the planet resulting in a loss of pack ice and profound ecological changes in the region. According to scientific research, the Arctic could be ice-free by 2030 and ice dependent species such as walrus and polar bears are losing their platform for hunting, molting, nursing and resting.

Available at: http://www.pewtrusts.org/news_room_detail.aspx?id=56350

7. Proposed mandatory code for Ships Operating in Polar Waters, submitted by FOEI, Greenpeace, IFAW, IUCN and WWF, DE 53/18/x, November 20 2009

The 53rd session of the International Maritime Organization (IMO) Design and Equipment Subcommittee produced Agenda item 18 in which FOEI, Greenpeace, IFAW and WWF identify a range of shipping management issues which should be considered and addressed through the development of a mandatory code in polar waters.

The increase of shipping and fishing continues in the Arctic and the Southern Ocean. Reports of vessels running aground and becoming stuck in the ice are also on the increase. Non-ice class ships are also entering the market compounding the possibility of maritime incidents. The Arctic Council’s Arctic Marine Shipping Assessment 2009 Report states “natural resource development and regional trade are the key drivers of increased Arctic marine activity.” From 1995 to 2004, nearly 300 accidents and incidents occurred in the region.

The development of a Polar Code therefore should be informed by analysis of recent incidents. Issues such as safety and emergency procedures for ice-class vessels, adequate lifeboat and thermal gear equipment should be considered and heightened environmental standards are needed in order to prevent or mitigate harm to the regions’ people, marine waters, wild-life and climate.
The geographic extent would cover the entire Antarctic area south of the Antarctic convergence. In the Arctic, a Polar Code should apply to all waters north of the Arctic circle (66° 33’N) and any areas currently encompassed by the definition use in the Guidelines south of 66°33’N.

The risks associated with navigating in polar waters are applicable to all vessels and the impacts on the marine environment are possible from the full range of vessels, therefore the measures contained in the Code should be mandatory and binding. The Code should be guided by the following principles:

- Comprehensiveness: vessel design, construction, equipment provision and operation, training for ice navigators and crew, vessel routing and reporting, remote search and rescue, environmental response to pollution or damaging events and should cross reference existing IMO instruments.
- Standards: highest possible safety and environmental standards
- Definitions: A wide range of definitions in particular “ice-covered waters” and “pollution”
- Ship Design and Construction: Standards, equipment, operations,
- Training standards
- Environmental protection (accidental and operational)
- Infrastructure and compliance

**Action requested:** The Sub-Committee is invited to consider the issues and guide the work of developing a mandatory Polar Code.

Available at: [http://www.asoc.org/LinkClick.aspx?fileticket=ZGV9zxDFuY0%3D&tabid=36](http://www.asoc.org/LinkClick.aspx?fileticket=ZGV9zxDFuY0%3D&tabid=36)
[http://assets.panda.org/downloads/proposed_mandatory_code_for_ships_operating_in_polar_waters.pdf](http://assets.panda.org/downloads/proposed_mandatory_code_for_ships_operating_in_polar_waters.pdf)


The paper presents an analysis of ten Australian Aboriginal law stories which were derived to facilitate sustainable development amongst the Nhunggabarra people. The Aboriginal people sustained their societies for over 40,000 and their governing principles cover ecology, society and economy. The purpose is not to generalize, but the author feels that the traditional law governance model could used in other hunter-gatherer societies.

Available at:


This gives information on locations of sea ice in the Beaufort Sea, Chukchi Sea, Canadian Arctic, Canadian Fram Strait and the East Siberian Sea.

**Barrow, Alaska – 71N, 156E**
This town is on the Beaufort Sea where landfast ice forms along the coast in the winter, and generally melts or breaks away by mid-July. Changes in timing of the fast ice breakup and the location of pack ice offshore have significant local impacts. For example, subsistence hunters use ice as hunting platform, polar bears hunt on the ice and barges and other non-ice strengthened vessels re-supply the North Slope when the fast ice is gone.

**Beaufort Sea – 73N, 150W**

The ice in this area is the most studied and best known and is near the edge of the ice pack. During the summer, ponds of meltwater form on the surface and these pools absorb more of the summertime’s solar radiation than does the surrounding, enhancing melting.

**Chukchi Sea – 70N, 170E**

This region is near the climatological boundary between older multi-year ice and thinner first year ice that melts every summer. Sea ice at this location is a mix of thicker multi year ice, that generally does not melt away in the summer, and thinner first year ice. Due to the extreme retreat of the ice in 2007, there is first year ice there.

**Canadian Arctic – 85N, 120W**

This region contains the oldest and thickest ice with the longest residence time in the Arctic basin.

**Canadian Fram Strait – 85N, 0E**

This strait, located between Greenland and Spitsbergen is the exit route of sea ice from the Arctic Basin into the Greenland Sea. The amount of low salinity ice exported is an important component of the basin-wide ice balance and potentially impacts the global ocean circulation.

**East Siberian Sea – 82N, 150E**

This region was judged to be the most sensitive to inter annual changes of oceanic and atmospheric forcing. This has been borne out by the extreme negative anomaly of ice extent in the autumn of 2007.

Available at: [http://gfl.usgs.gov/ArcticSeaIce.shtml](http://gfl.usgs.gov/ArcticSeaIce.shtml)

**10. The Catlin Arctic Survey Data, October 15 2009**

The Catlin Arctic Survey was a major scientific project whose aim was to help determine, with a much greater degree of accuracy, when the floating Arctic sea ice could disappear as a result of climate change. The Catlin Arctic Survey’s core scientific objective has been ‘to help scientists determine with a higher degree of certainty the likely timeframe for seasonal sea ice loss’. The data supports the new consensus amongst sea ice researchers that the Arctic will be ice-free in summer within about 20 years, with much of the decrease happening within 10 years.

Available at:

11. 12th Session of the Barents Euro-Arctic Council, Speeches and list of participants, Murmansk, October 15 2009

The Barents Euro-Arctic Council (BEAC) convened its 12th Session in Murmansk on 14-15 October 2009 under the chairmanship of the Russian Federation. Ministers and senior representatives of the Members (Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden and the European Commission) participated in the session. Themes discussed during the session included human and social development, economic development, environment and climate change and mechanisms of cooperation for ensuring successful cooperation in the Barents region.

Notable action items include:

“The Council recognizes the growing role of the Arctic Council as the main vehicle for circumpolar cooperation and stresses the importance of cooperation and coordination with the Arctic Council on issues and projects of common concern at all relevant levels in order to maximize synergies.”

“The Council recognizes climate change as a major concern…Development of climate change mitigation and adaptation measures should be of high priority in the whole Barents cooperation. The Council therefore recognizes the urgent need for a substantial, comprehensive, ambitious and effective global climate agreement at the UNFCCC 15th Conference of the Parties in Copenhagen in December 2009 recalling the Declaration of the Leaders at the Major Economies’ Forum on energy and climate at L’Aquila on 9 July 2009.”

Available at: http://www.barentsinfo.fi/beac/docs/All_Documents_of_the_XII_Session_of_BEAC.pdf

12. 12th Session of the Barents Euro-Arctic Council, Agenda, Murmansk, October 15 2009

This contains all the relevant documents from the XII Session of the Barents Euro-Arctic Council (BEAC) held on the 15 October 2009 in both English and Russian languages. The document contains the report of the Russian Chairmanship of BEAC, statement of the incoming Swedish chairmanship and adoption of the Joint Communiqué of the Session.

Available at: http://www.barentsinfo.fi/beac/docs/All_Documents_of_the_XII_Session_of_BEAC.pdf


This article discusses the melting of the Arctic Ice and the new access to oil and gas, trade routes and the implications for Arctic nations. NATO’s secretary-general is quoted as saying that the high north “could either be a zone of conflict, I hope not, a zone of competition, probably”. He also speaks of the melting ice as having security implications for the USA and that “an entire side of North America will be more exposed”. The article comments on the cooperative dealings between nations yet mentions that “there is no supranational body in the Arctic. Land and territorial seas come under a series of national laws and rules from the six countries with an Arctic coast”.

47

This article describes the effect of ice melting on the Northern Sea route (NSR). Satellite monitors indicate melting on the Asian side of the Arctic over the American side. At three weeks past the minimum ice cover (data taken on October 5th, 2009), it is shown that along the Asian side, the cover is less than it was only 5 days before the minimum was reached. 2009 did not reach a minimum for ice cover (it was third behind 2007 and 2008) however, the re-growth of ice is happening more slowly. This means that 2010 will be more favourable for transit of the NSR as first year ice will cover the entire length of the NSR.

Beluga heavy lift transports is preparing to increase the number of ships visiting Siberia and transiting between Asia and Europe. The NSR will become more than an occasional transit route and Russia will be able to maintain its icebreaker fleet and improve coast guard and navigation aids.


http://www.theday.com/re.aspx?re=a4c6856e-6bac-4d87-8483-7ae94def52f6

Diminishing sea ice has implications for U.S. Navy strategy, investment choices and infrastructure decisions. More ships than ever before will be able to travel through the Arctic so the Navy will use an ‘Arctic road map’ to navigate the security challenge. The Navy’s senior Oceanographer, Rear Admiral David Titley, leads the Navy’s Task Force on Climate Change and pointed out the main issue facing the Navy is that the US is not a signatory to the LOS Convention. “We simply do not have a seat at the table,” Titley said, adding that the Senate needs to “ratify it, pure and simple.”


http://search.japantimes.co.jp/cgi-bin/ed20091004a1.html

This article summarises issues surrounding the melting ice cap and the potential for fossil fuels beneath the Arctic seabed, both of which have implications for Japan. The melt of 2009 was the third worst and there is speculation that the region will be ‘ice-free’ by 2030. Reports that thousands of walruses are congregating on Alaska’s North Slope are a clear indicator of the shrinking ice pack. Some experts think as much as 13% of the world’s undiscovered petroleum resources and 30% of undiscovered natural gas might lie beneath the seabed. This of course, gives rise to the question of territorial claims.

The article states that the legal means to assert a claim to Arctic territory is contained within the Law Of the Sea Convention. That treaty gives all countries that ratify it ten years to make a claim on the Arctic continental shelf. Given that the US has not signed, its seems there is now a reason to sign. “If the new administration is sincere in seeking to engage nations that share interests and forging cooperative approaches to international problems, the Arctic could be a useful test case.”

Available at: http://search.japantimes.co.jp/cgi-bin/ed20091004a1.html
17. U.S. Navy Arctic Roadmap, Department of the Navy, Vice Chief of Naval Operations, Navy Pentagon, October 2009

The Navy Arctic Roadmap provides a chronological list of Navy action items, objectives and desired effects for the Arctic region from 2010 to 2014. Focus areas in the document include strategy, policy, missions, plans, operations, training, investments in facilities including surveillance and weapons, strategic communications and environmental assessment and prediction. The action items will be carried over a three phase period and the Director of Task Force Climate Change (TFCC) will provide the Chief of Naval Operations with quarterly reports on progress.


The PAME Working Group met on the 30 September – 2 October 2009 in Oslo, Norway. The meeting focused on initiating the PAME Work Plan 2009-2011. Notable Agenda items included:

Agenda Item 3: Approval of the AMSA 2009 Report, the 2009 Arctic Council Offshore Oil and Gas Guidelines and revised 2009 Arctic Council Regional Programme of Action (RPA) for the Protection of the Arctic Marine Environment from Land-based Activities.

Agenda Item 5: Arctic Ocean Review Project (AOR): This project would be to conduct a review of existing measures and identify existing gaps with the Phase 1 stage consisting of a simple compilation. The project would be a collaborative effort with the AOR evaluating existing assessment work and working together with other working groups and participants (IUCN, France and the European Environment Agency).

Agenda Item 6: Arctic Marine Shipping Assessment follow-up and the 17 AMSA Recommendations were reviewed.

Agenda Item 7: Follow-up on the 2009 Offshore Oil and Gas Guidelines with the conclusion that PAME has deemed it necessary to discuss the need for and possible development of specific guidelines for Arctic Offshore Oil and Gas Environmental Impact Assessments (EIAs) with a country expert providing information on existing national EIA legislation, procedures and practices for Arctic Offshore Oil and Gas activities.

Agenda Item 8: Ecosystem Approach, the basis of which is the 2004 Arctic Marine Strategic Plan (AMSP). The LME group of experts were renamed the Group of Experts on Ecosystem-based Assessments and Management which will assess the status of ecosystems amongst other activities.

Agenda Item 9: Regional Programme of Action (RPA) follow-up which allows for the regional implementation of the UNEP Global Programme of Action. A PAME website will be set up with ‘best practices’ listed in the following categories: contaminants, habitat alteration and destruction and climate change adaptation. The Russian Federation updated on their UNEP/GEF project which will assess gaps in the Russian legislation and a concept of federal law regarding nature use and environmental protection in the Arctic.

Available at:

The conference is described as having the aim to “explore the key international policy and law principles that impact upon and govern military operations in the Arctic maritime domain in an age of climate change.”

Speakers addressed Arctic security issues for Norway, Denmark, Sweden, Iceland, Finland, the Russian Federation, Canada and the US. The following topics were discussed:

- International regimes for enhancing military security
- The Law of the Sea and a liberal order for the Arctic
- Implications of melting ice on surface and subsurface military operations
- The role of the Arctic Council
- Northern sea routes and the Northwest Passage
- NATO maritime security interests
- Nuclear weapons in the Arctic
- Resurgent Russian naval and air activity in the Arctic
- Arctic Marine Shipping
- US Coast Guard Arctic security

Available at:


The US interagency Ocean Policy Task Force issued its interim report including its “Proposed National Policy for the Stewardship of the Ocean, our coasts, and the Great Lakes.” The report has three primary components:

- Suggested National Policy for the Stewardship of the Ocean, Our coasts and the Great Lakes
- Policy coordination Framework to improve the stewardship of the Ocean, the coasts and the Great Lakes
- Implementation strategy

The author indicates the reports overall positive content with relation to ecosystem-based management, marine special planning and a return to coordination among federal, state and regional governance structures, private interests and non-governmental stakeholders. However, the Law of the Sea Convention (LOSC) gets only limited mention in the Interim Report, being
mentioned eight times in the report. Four of which are not endorsements of joining the convention but affirmations that the LOSC is part of customary international law.

More specifically to joining the LOSC, on page 5 the report says that public support for joining the LOS Convention was one of the themes emerging from the task force’s public meetings, but this is not an administration policy statement. The report implies that the Obama Administration already supports US accession to the LOS Convention, even though an official White House support statement has been made. On page 12 of the report: “The Administration’s support for accession to the Law of the Sea Convention reflects several important objectives, including strengthening our Nation’s ability to participate in and influence international law and policy related to the ocean.”

On page 14 of the report, it recommends that the United States will promote the objectives of its ocean policies by “Cooperating and exercising leadership at the international level, including by joining the Law of the Sea Convention”.

On page 29, it states that “By joining the Law of the Sea Convention now, we can reaffirm and enhance US leadership in the development and interpretation of international law applicable to the ocean.”

The author notes however, that this is merely the recommendations of the Task Force and if there is US support for accession to the LOS Convention then “it really is time to hear this from the President and not in the pages of an interagency report on a proposed ocean policy.”


The Arctic Ice reached the minimum point for 2009 during September 2009. The pattern of melting ice left the ice cover on the North American side of the arctic near the normal mean for the summer minimum and did demonstrate the reduction of recent years. Overall the ice cover of the Arctic reached the third smallest in recorded history. However on the Asian side, the melt showed the extensive melting of recent years.

Data from the US National Snow and Ice Data Center show patterns of arctic ice today contrasted with the 1979-2000 mean. The 2009 minimum continues the accelerated trend in ice reduction and illustrates how even though local weather patterns control the exact pattern of melting, climate factors establish a trend progressing to lower and lower levels of ice cover in the future.

The article states “From a Law of the Sea perspective, this simply means that US international interests in the arctic continue to be relevant, and that arctic issues should continue to be an argument for US accession to the LOS Convention.”


This paper highlights the major events in Arctic governance history and makes the conclusion that: “the main challenge for the Arctic is that there exist major gaps in its present governance. The main challenge for the future development of the region is to find ways to combine environmental protection with potential commercial activities in a sustainable manner. These circumstances put pressure on extending the mandate of the Arctic Council. How this is to be
done, is a critical issue that needs/demands a solution. The Arctic region in the future – in the best case – provide the international community with a model of how to manage and govern dilemmas, disputes or even conflicts related to and emanating from climate change. This is, however, a process that requires engagement from all the Arctic states. It may also require acceptance of the involvement of international actors, such as the EU and the UN.”

Available at: www.tse.fi/pei


The rapid loss of sea ice in northern Alaska, America’s only Arctic coastal region is opening up previously remote Arctic waters to massive offshore oil and gas development. This article argues that scientific research must take place but oil and gas drilling does. Noise, pollution, habitat disruption and other effects of industrial activities could impact the sensitive Arctic ecosystem, but without full information, drilling should not go ahead.

Available at: http://www.pewtrusts.org/news_room_detail.aspx?id=55207


Prof. Eric Posner, writing in *Foreign Policy* magazine contrasted the commitment of the Bush and Obama Administration’s to international law. As to commitment to new international law, Poser made the following comment: “Obama has provided some symbolic support for international law in a few ways, but where it counts – obtaining Senate ratification of the Law of the Sea treaty (which Bush also supported) and numerous international human rights treaties—he has expended no political capital. Don’t expect this to change.”

Available at: http://www.foreignpolicy.com/articles/2009/09/17/think_again_international_law


This article highlights a note in the Worcester (MA) Telegram & Gazette which acts as an antidote to the “Climate Change deniers”.

Key facts from the article point out that two ships from North Korea successfully navigated the route through the Bering Strait. Recession of sea ice has the route possible without the use of icebreakers. More than the commercial advantages however, “it emphasizes that a new age of commercial enterprise is opening, one that involves important and difficult questions of navigation rights, territorial claims, and environmental impacts. It’s time to break out the maps, hammer out the rules, and ensure that the new passages in the north lead to cooperation rather than conflict.”

The Ocean Law Daily make the comment that “governance of the Arctic is a complex web of national, regional and global responsibilities of governments, institutions, businesses and NGOs” There is much to be done in the way of rules for commercial navigation in the Arctic and international collaboration.

More than 400 scientists from the U.S. and 20 other countries have signed a letter urging the Obama Administration to defer offshore oil and gas development in the U.S. Arctic until scientific research can adequately assess the potential risks to fragile marine ecosystems. Currently a five-year leasing plan is being considered by the Interior Secretary Ken Salazar which opens up the area to development. The scientists urge a precautionary, science-based approach to oil and gas development including assessing environmental impacts before issuing permits, sustained monitoring and comprehensive planning to determine the best way to proceed. The article makes the point that climate change is warming the Arctic twice the rate of the rest of the planet, resulting in a rapid retreat of sea ice and major ecological changes. "We don't know enough yet about how iconic mammals like the bowhead whales, walrus and polar bears would be affected by the noise, pollution, and traffic related to widespread offshore oil and gas drilling," said Gordon Orians, professor emeritus of biology at the University of Washington. "Doing appropriate research before making decisions about such development will help protect these special Arctic species for future generations."

Available at: http://www.pewtrusts.org/news_room_detail.aspx?id=55084

27. The Second Akureyi Polar Law Symposium, September 10-12 2009

The University of Iceland, in collaboration with the Polar Law Institute, Yearbook on Polar Law; The Stefansson Arctic Institute; The Northern Research Forum and the Association of Polar Early Career Scientists held the second Akureyri Polar Law Symposium 2009 at the University of Akureyri, Iceland.

The purpose of the Symposium was to bring together leading academics to discuss possible policy and law recommendations for the Arctic Region. Key Symposium themes included:

- Theme I: Challenges for the Protection of Biodiversity and Wilderness in the Polar Regions.
- Theme II: Sustainable Development and Human Rights.
- Theme III: Environmental Governance in the Polar Regions.
- Theme IV: Emergent and re-emerging jurisdictional issues in the Polar Regions.

The Symposium produced the book entitled: The Yearbook of Polar Law which is available at: http://www.brill.nl/pola

Available at: http://www.ias.unu.edu/sub_page.aspx?catID=640&ddID=620


The retreat of Arctic ice linked to global warming, has allowed for an Arctic shortcut to allow marine trade pass between Asia and the West. Verena Beckhausen, a spokeswoman for German shipping company, the Beluga Group of Bremen, Germany said “It is global warming that enables us to think about using that route”. The journey from Yokohama in Japan to
Rotterdam via the Northeast Passage is about 4,450 miles shorter than the currently preferred route through the Suez Canal, according to the Russian Ministry of Transport.

Neils Stolberg, president of the Beluga Group said the group already have contracts for taking 1,000 tons of goods from Asia to Siberia next summer. He said in a statement “We are all very proud and delighted to be the first Western shipping company which has successfully transited the legendary Northeast Passage and delivered the sensitive cargo safely through this extraordinarily demanding sea area”.


29. Haq, Farhan 2009, “Highlights of the Noon briefing – Ban Ki-moon visits Polar Ice Rim, calls rate of glacier loss “alarming”, UN News Centre, 2 September, viewed 22 October 2009,


Farhan Haq, Associate Spokesperson for the Secretary-General, writes that the Secretary-General ended his visit to Norway after the boat trip that took to the polar ice rim of the Arctic Circle. His visit, accompanied by senior UN officials on climate change issues, Robert Orr and Janos Paztor, was an attempt to draw attention to climate change ahead of the climate change conference in December and to push for a successful climate change deal at Copenhagen. He visited a group of scientists who constantly monitor the melting ice who warned that glaciers are being lost at a rate of 150 cubic kilometers a year, an amount described as “alarming”. He urged those attending the conference to “seal the deal in Copenhagen in December, a deal which will be comprehensive, equitable and balanced, so that both industrialized and developing countries, and all citizens of the world can live in an environmentally sustainable way”. The loss of sea ice is happening at a rate thirty years ahead of schedule. “Our foot is on the gas pedal, and it is time we put it off” he told reporters.

Available at: http://www.un.org/News/ossg/hilites/hilites_arch_view.asp?HighID=1446

30. Haq, Farhan 2009, “Highlights of the Noon briefing – Ban Ki-moon visits Arctic Polar Ice Rim to See alarming effects of Climate Change” UN News Centre, 1 September, viewed 22 October 2009,


Farhan Haq, Associate Spokesperson for the Secretary-General, writes that the Secretary-General Ban Ki-moon is on his way to visit the Arctic ice rim after a visit to a Norwegian Zeppelin Station, a research center where the air in the Arctic region is being monitored, in part to determine the effect of greenhouse gases and other pollutants. He has also visited glaciers and said that the effects of climate change were visible and alarming.

Available at: http://www.un.org/News/ossg/hilites/hilites_arch_view.asp?HighID=1446

The Northern Forum is a non-profit, international organization composed of sub-national or regional governments from eight northern countries. The mission of the Northern Forum (NF) is to improve the quality of life of Northern peoples by providing Northern regional leaders a means to share their knowledge and experience in addressing common challenges; and by supporting sustainable development and the implementation of cooperative socio-economic initiatives among Northern regions and through international fora.

The Ninth General Assembly of the Northern Forum was conducted in Whitehorse, Yukon, Canada, 1-3 September 2009. Amongst the issues discussed, the Board of Governors stated an interest in:

Strong international cooperation in response to the globalization and climate change challenges:

To take under consideration the growth of globalization processes in societal development, the members of the Board of Governors of the Northern Forum will make every possible effort and use every opportunity to respect the environment and ensure the rational use of the natural resources of the North;

To enhance and strengthen the Northern Forum’s relations with the UNDP and the United Nations Framework Convention on Climate Change, Arctic Council working groups, UNEP, UNESCO, WHO and the Barents Council, in order to make it more effective, through communication and cooperation;

Available at: [http://www.northernforum.org/servlet/content/declarations.html](http://www.northernforum.org/servlet/content/declarations.html)

32. Okabe, Marie 2009, “Highlights of the Noon briefing – Ban Ki-moon plans to see firsthand impact of climate change in Arctic tomorrow” UN News Centre, 31 August, viewed 22 October 2009.


Marie Okabe, Deputy Spokesperson for the Secretary-General writes that UN Secretary-General Ban Ki-moon has held meetings in Oslo with the Prime Minister and Foreign Minister of Norway to discuss climate change and carbon trading amongst other issues. He noted that one of his principal reasons to visit Norway was to see first-hand the dramatic changes to the Arctic and to learn what that means for humankind. He is also due to fly north to Svalbard to meet with scientists who are gathering important climate data before he visits the Arctic rim on the 1st of September.


This article endorses the recent decision by the Obama Administration to place a moratorium on commercial fishing in the almost the entire Arctic Ocean under U.S. jurisdiction, which is essential to alleviate stress on fragile ecosystems. The Arctic Fishery Management Plan will see nearly 200,000 square miles north of the Bering Strait closed to commercial fishing for the time being.
“We are very pleased that the U.S. has for the first time acted to protect an entire marine environment before commercial fishing takes place,” said Marilyn Heiman, U.S. Arctic program director for the Pew Environment Group. “The Obama administration’s historic decision to take a precautionary, science-based approach to fisheries management in the Arctic establishes an important model for the future.” The precautionary measure, recommended by the North Pacific Fishery Management Council, will prevent commercial fisheries from moving into the region.

Under the plan, commercial fishing will only be allowed if scientific studies determine that it will not damage the sensitive ecosystem or local communities’ subsistence way of life. The plan has support from the Alaska commercial fishing industry, fishery managers, conservation groups.

The Arctic is warming twice as fast as the rest of the planet and some scientists predict that by 2013 the region will be ice-free in the summer. Melting sea ice and a northward movement of fish populations has increased the likelihood that commercial fishing will expand rapidly into the Arctic. Species such as the polar bear, bowhead whale and spectacled eider which are listed as threatened or endangered are under increasing pressures from the impact of climate change.

“This is a crucial step towards ensuring good decision-making in the Arctic Ocean for the indigenous communities that depend on its abundance as well as for the many marine mammals and other species that live there,” Heiman said.

Available at: http://www.pewtrusts.org/news_room_detail.aspx?id=54768


The Miami Herald published an editorial (U.S. Senate must act on Sea Treaty) on August 12th 2009 recommending that the U.S. must act on the Law of the Sea Treaty. The editorial notes that while the Law of the Sea has received strong support from the U.S. Military, the oil and gas industries, the national Chamber of Commerce and both the Clinton and Bush administrations, the Senate has yet to take up the treaty for consideration.

The editorial lists the main benefits for U.S. interests. It provides protections for freedom of navigation and overflight of the world’s oceans, which America’s armed forces rely on as does the commerce industry as more than 20 per cent of all U.S. exports and 48 per cent of U.S. imports are transported by sea. The treaty also sets out rights of nations to establish territorial claims up to 12 nautical miles from their coasts and claim sovereign and exclusive economic rights up to 200 nautical miles from their coasts. These rights are important when it comes to oil and gas extraction and fishing and not signing the treaty means that the U.S. could miss out on claiming its share of resources.

The treaty also grants nations the right to seek territorial claims for continental shelf areas beyond 200 nautical miles, of which more then 50 countries have applied for, including Cuba and China. Other benefits include bestowing on nations the right to regulate marine scientific research in their territorial seas and enforce laws to stop pollution. The article concludes by noting that Sen. John Kerry, D-Mass, chair of the Foreign Relations Committee, hopes to have the LOS convention considered soon on the Senate floor.

Russia continues to focus the domestic benefits of exploitation of the Arctic and implementation of their national arctic policy. A meeting was held in conjunction with the Arctic regional scientific and practical exhibition on “The economic activity of Russia in the Arctic regional direction: the problem of development of marine activities” beginning June 19 2009. The meeting was attended by various dignitaries, namely the Head of the Navym Head of the Federal Agency of Maritime and River Transport and Deputy Minister of Economic Development of the Russian Federation, amongst others.


A paper published in journal Science by Dr. Ray Hilborn and Dr. Boris Worm and 19 other co-authors has found that ocean fisheries are in decline and that solutions are needed to reverse these trends. Rebecca Goldburg, director of Marine Science at the Pew Environment Group said “a large and diverse group of leading fisheries scientists and ecologists have concluded that the common benchmark now used to determine the amount of ocean fish to catch is not a viable approach for managing our oceans. The study disproves the notion that we can push catch targets to their limits and still maintain healthy ocean ecosystems… If fishery managers worldwide heed these important scientific findings, then we have an extraordinary opportunity to restore ocean fisheries.”

Available at: http://www.pewtrusts.org/news_room_detail.aspx?id=54396


UN Secretary-General Ban Ki-moon announced today that he plans to visit the Arctic polar ice rim during August as an effort to push for action at the climate change conference in Copenhagen in December. He hopes it will provide impetus to achieve “a fair, effective and scientifically ambitious deal” on a new global pact to succeed the Kyoto protocol which contains legally binding targets for reducing emissions.

Available at:

38. The Arctic Marine Shipping Assessment Implementation Act of 2009 July 24, 2009 (not enacted)
A bill to ensure safe, secure, and reliable marine shipping in the Arctic including the availability of aids to navigation, vessel escorts, spill response capability, and maritime search and rescue in the Arctic, and for other purposes.

Available at: http://www.govtrack.us/congress/bill.xpd?bill=s111-1514


Scott Highleyman and Marilyn Heiman are, respectively, the international and American directors of the Arctic Program at the Pew Environment Group. In this article, they outline the steps that must be taken to best protect the Arctic ocean and its indigenous communities from the increased ship traffic. The real challenges and threats come not only from melting ice but also from the increased number of cruise ships, oil, gas and mining vessels and commercial, research and fishing boats in the thinning sea ice.

Recommendations include:

Arctic communities need to be involved in developing shipping regulations. Key cultural and environmentally sensitive areas need to be identified and preserved. Marine highways should avoid important areas traditionally used by Inuit.

The growth of ship traffic should be tightly regulated to maximize the benefits and minimize the damage.

The U.S. Senate also needs to quickly ratify the Law of the Sea Treaty, which is the bedrock of all Arctic cooperation. The United States and Canada should set an example by implementing shipping safety controls under their jurisdiction and collaborating with other Arctic countries on international safeguards and controls.

Available at: http://www.pewtrusts.org/news_room_detail.aspx?id=54327


Climate change is happening in the Arctic more than any other region and is having serious impacts on both the environment and the people. Erosion of Inuit villages has meant displacement and resettlement and the areas projected to experience the largest land loss by 2030 and 2050 are the Arctic coasts of Canada, Alaska, Siberia and Greenland. Moreover, “the drive to sedentarize, westernize and otherwise integrate into national cultures has characterized both US and Canadian indigenous policies, frequently with tragic outcomes, as people are exposed to dangers and risks in new sites that traditional culture and adaptation has avoided.”

Available at: www.ehs.unu.edu/file/get/4097

The Strategic Action Program for Protection of the Russian Arctic Environment (SAP-Arctic) aims to protect the Arctic environment and eliminate negative environmental impacts from economic and other activities. The report examines the current environmental situation and details environmental pollution, water quality, land degradation, biodiversity changes, living conditions of indigenous populations, disruption to traditional nature use and the effects of global climate change. By detailing these, this framework document will guide the drafting of governmental, federal, regional and corporate programs for development of industrial and other processes in Russia. It is expected that the implementation of recommendations will take place over three stages between 2009-2020.


This article explores the possibility of methane clathrate as a new fossil fuel. In western Siberia, in the Messoyakha gas field, Russian engineers have been pumping methane clathrate from beneath the permafrost since the 1970s. Research over the past two decades shows that the energy trapped in the ice within the permafrost and under the sea rivals that in all oil, coal and conventional gas fields. There has been enormous interest in the alternative energy supply from the U.S., Canada, China, Norway, Japan and South Korea. Tim Collett, a clathrate specialist at the U.S. Geological Survey, estimates that there is between 0.7 and 4.4 trillion cubic metres of methane clathrate in Alaska alone. Conservative figures place global reserves at roughly 3 trillion tonnes of untapped carbon.

However, the debate of how desirable extracting a new fossil fuel continues. Some argue that methane is less carbon intensive than other fuels such as coal, but others say that switching to methane would not help countries to reach ambitious targets for reducing carbon emissions of up to 80 per cent by 2050. Methane is, molecule for molecule, 20 times as powerful at warming the air as CO2. In addition to that, clathrates exist in a delicate balance and there is concern that extracting gas could break up neighbouring clathrates causing a “methane burp through undersea reserves, triggering landslips and even tsunamis”. “Extraction increases the risk of large-scale collapses, which might have catastrophic consequences” says Geir Erlsand from the University of Bergen in Norway.

Available at:
http://www.newscientist.com/article/mg20227141.100-ice-on-fire-the-next-fossil-fuel.html


The ARCON project is run by DNV (Det Norske Veritas) an independent Norwegian foundation with the purpose of safeguarding life, property, and the environment in the Arctic
region. Specifically the project looks at the possibilities of a trade route across the Northern Sea Route or Northwest Passage and the challenges and risks related to the new route.

The report examines design possibilities for vessels requiring icebreaking capabilities and transportation costs including building, operational and channel costs. It also looks at how the irregular nature of Arctic ice trade route could satisfy the regular schedules that the business world demands. The report concludes by stating that the potential for profit from Arctic trade is there but is not be feasible for the time being.

Available at:


At the end of the Arctic Conference held during June 2009 on the grounds of the US Naval Academy, an article was written and published by Science Magazine with regard to Senate efforts to gain approval of the LOS Convention.

Since coming into effect 15 years ago, the United Nations Convention on the Law of the Sea (UNCLOS) has been guiding how 156 countries settle maritime boundary disputes, watch over their natural resources, and—especially in the Arctic—extend their rights to any riches on or beneath the adjacent seafloor. This article discusses how the United States does not have the legal right to extend its claims or a seat on the commission that reviews the plans of other countries, because it has never ratified UNCLOS.

Senator James Inhofe and others regard the UNCLOS as a threat to U.S. sovereignty and have prevented it from coming up for an expedited vote after only a limited debate.

Available at: http://www.sciencemag.org/cgi/content/short/324/5934/1500-a


The Associated Press published a story on the 10th June 2009 regarding Russia’s claims to the resources in the Arctic ocean floor in accordance with the provisions of the Law of the Sea Convention. It notes that:

In 2007, two Russian mini-submarines descended to 2.5 miles (4 kilometers) to the Arctic seabed, where they collected geologic and water samples and dropped a titanium canister containing the Russian flag, a symbolic gesture not backed up by scientific data. A previous claim to Arctic seabed was submitted by Russia to the United Nations in 2001 but this was rejected for lack of scientific evidence.

However, what is absent are the insinuations of military conflict, claims outside the LOS Convention, or a “Russian vision of grabbing the Arctic by military means.”

The melting of Arctic ice has reduced the ice cover to a smaller area than what was reached in June 2007 which was the year of the lowest recorded area of arctic ice cover. Ice has cleared in certain areas, namely a passageway next to Greenland leading to the ice-bound North West Passage, from Murmansk to the Kara Gate (western terminus of the NWP) and in the Bering Sea and Strait. Other small openings are appearing in the ice cover where blue water will increase heat retention and accelerate additional melting. All this points to a “good chance for a new record minimum ice cover in the arctic this year.”


“By failing to ratify this important treaty, we deny ourselves a seat at the table at a time of great change in the Arctic… While other nations have filed claims for Arctic continental shelf areas beyond their 200-mile limit, the United States lacks standing to claim such submerged lands and resources including substantial oil and gas.”

Others who endorsed the LOSC include Dr. Jane Lubchencho, Under Secretary of Commerce for Oceans and Atmosphere and National Oceanic and Atmospheric Administration (NOAA) Administrator and Admiral Thad. W. Allen Commandant, U.S. Coast Guard (USCG).


The purpose of this Act is to protect biological, geological and landscape diversity and ecological processes through conservation and sustainable use, and in such a way that the environment provides a basis for human activity, culture, health and well-being, now and in the future, including a basis for Sami culture.


This conference produced a collection of essays offering policy and legal guidance in response to new challenges facing the Arctic region. Synthesizing the presentations of leading experts at ‘Changes in the Arctic Environment and the Law of the Sea’ meeting held in May, 2009 in Seward, Alaska, the papers center around nine panel discussions.

Panel I: Overview of Changes in the Arctic Environment and the Law of the Sea
Panel II: Scientific Background
Panel III: Arctic Marine Transport
50. The Tromsø Declaration on the occasion of the Sixth Ministerial Meeting of The Arctic Council, Tromsø, Norway, April 29, 2009.

Remarks from the Danish chair:

The Arctic Council is tasked with carrying issues forward and developing common solutions to challenges discussed in Ilulissat in May 2008 and a forward looking approach in the Arctic is dependent on a strong platform for the Arctic Council.

The Arctic Council must address all aspects of global warming – regional consequences and global impacts and in particular, there is a need to discuss what Arctic nations can do to enhance concrete policy responses in international negotiations and concrete policy responses in Arctic countries.

Regarding Climate Change:
- Noted that preserving the Arctic environment depends mainly on substantially reducing global emissions of CO2.
- Recognized the urgent need of an effective global response and thus confirmed their commitment of all Arctic States to actively contribute to reaching an agreed outcome at the UNFCCC 15th Conference of the Parties (CoP15) in Copenhagen in December 2009.
- They urged implementation of early actions where possible on methane and other short-lived climate forcers and encourage collaboration with the Methane to Markets Partnership and other relevant international bodies taking action to reduce methane and other short-lived forcers.
- Providing an assessment on how Arctic nations can prepare for new opportunities as a result of a changing Arctic.

Regarding Arctic Marine Environment:
- Note that increased marine access and navigation in the Arctic Ocean calls for development and implementation of suitable national and international regulations, where appropriate, to advance the safety of Arctic marine shipping, including marine pollution prevention, reduced accident risk, and facilitating effective emergency response
- Approve the establishment of the Task Force to develop and complete negotiation by the next Ministerial meeting in 2011 of an international instrument on cooperation on search and rescue operations in the Arctic

Regarding Contaminants:
- Note with concern the presence in the Arctic of contaminants with persistent organic pollutant characteristics that are not subject to international controls and that may require consideration in international fora.

- Encourage countries to reduce emissions and sign, ratify and enhance implementation of the Stockholm Convention and the POPs and heavy metals protocols of UNECE_LRTAP.

Available at: [http://arctic-council.org/filearchive/Tromsoe%20Declaration-1..pdf](http://arctic-council.org/filearchive/Tromsoe%20Declaration-1..pdf)

51. The Arctic Contaminants Action Program (ACAP) Working Group Work Plan

**Background of ACAP**

The Arctic Contaminants Action Program (ACAP) is one of the six Working Groups of the Arctic Council which was formally given working group status at the Arctic Council Ministerial Meeting in Salekhard, Russia in October 2006. Prior to that, ACAP had operated as a steering committee called the Arctic Council Action Plan to Eliminate Pollution in the Arctic with a mandate to increase efforts to limit and reduce emissions of pollutants into the environment and promote international cooperation.

The goal of ACAP is to reduce emissions of pollutants into the environment in order to reduce the identified pollution risks. ACAP also encourages national actions for Arctic State governments to take remedial and preventive actions relating to contaminants and other releases of pollutants.

**Summary of ACAP Work Plan 2009-2011:**

The Work Plan ACAP will continue to implement projects approved by the Ministers such as:

- Developing an integrated Hazardous Waste Management Strategy in the Northern Regions of the Russian Federation, continuing to further cooperate with UNEP Global Mercury Partnership in achieving measurable mercury reductions in the Russia Federation, continuing work with the Barents Euro-Arctic Council to address “hot spots” in the Arctic, continue to follow the development of the UNEP Global Mercury Programme and the Stockholm Convention with regards to inclusion of reduction measures for possible new contaminants in future ACAP activities.


52. The Arctic Monitoring and Assessment Programme (AMAP) Working Group Work Plan

**Background of AMAP**

In June 1997, the Arctic Monitoring and Assessment Programme (AMAP) entitled “Arctic Pollution Issues: A State of the Arctic Environment Report” was submitted to Arctic ministers under the Arctic Environmental Protection Strategy. In September 1998, the Arctic Council ministers instructed Senior Arctic Officials to develop an overall plan identifying actions to address the pollution sources identified through AMAP. As a result of this request, the Senior Arctic Officials established a special initiative titled: the “Arctic Council Action Plan to Eliminate Pollution in the Arctic (ACAP).” At the Arctic Council Ministerial Meeting in Salekhard (Russia) in October 2006, ACAP was granted a status of a permanent Working Group under a new name - the “Arctic Contaminants Action Program (ACAP).”
Summary of AMAP Work Plan 2009-2011:

The Arctic Monitoring and Assessment Programme work plan for 2009 – 2011 lays down aims to publish assessment reports regarding pollution issues, human health, POPs, radioactivity, mercury in the Arctic, oil and gas and reports on the Arctic Council Cryosphere Project and the Greenland Ice Sheet. Monitoring and research will continue taking account of requests from Ministers and recommendations from scientists. Coordination activities will include working together with other Arctic Council working groups, UNEP on the Stockholm Convention and UNEP Mercury process and maintaining close cooperation with international bodies to avoid duplicating work and ensuring an efficient and cost effective work programme.

Available at: http://arctic-council.org/filearchive/amap_draft_work_plan_2009--2011.pdf


Created by the Canadian government in order to ‘meet the challenges and opportunities of the 21st century’, the Northern Strategy aims to exercise Arctic sovereignty, protect environmental heritage, promote social and economic development and improve and devolve Northern governance.

Through their Arctic foreign policy, Canada hopes to engage international partners and advancing Canadian priorities bilaterally, multilaterally and through the Arctic Council. Cooperation, diplomacy and international law are Canada’s preferred approach in the Arctic. The United States remains an exceptionally valuable partner in the Arctic to Canada and Canada and the US share a number of common interests in the Arctic, such as environmental stewardship, sustainable resource development and safety and security. Canada also has common interests with Norway, Denmark, Sweden, Finland and Iceland.

The annual Northern Dialogue with Norway covers issues such as climate change adaptation, oil and gas development, oceans management and scientific cooperation. In terms of bilateral and multilateral agreements, Canada’s Department of Indian Affairs and Northern Development signed a Memorandum of Understanding with the Russian Ministry of Regional Development to develop cooperative projects with Indigenous Peoples.

Finally, the Northern Strategy mentions the Ilulissat Declaration. In May 2008, the five Arctic coastal states – Canada, Denmark, Norway, Russia and the United States adopted this declaration. It recalls that an existing legal framework applies to the Arctic ocean. Notably the Law of the Sea provides important rights and obligations on a wide range of issues. This framework provides a solid foundation for responsible management by the five Arctic Ocean coastal states and other users of the ocean. The five coastal states remain committed to this legal framework and to the orderly settlement of any possible overlapping claims.

Available at: www.northernstrategy.ca/index-eng.asp


Background of CAFF:
CAFF's mandate is to address the conservation of Arctic biodiversity, and communicate the findings to the governments and residents of the Arctic, helping to promote practices which ensure sustainability of the Arctic's living resources.

Objectives are:

- Monitoring of Arctic biodiversity
- Conservation of Arctic species and their habitats
- Consider the establishment of protected areas
- Conservation of nature outside protected areas
- Integration of conservation objectives and measures for economic sectors of the society

There is also a strong focus on building upon the recommendations contained in Arctic Climate and Impact Assessment (ACIA). ACIA called for improved capacity to monitor and understand changes in the Arctic.

Summary of CAFF Work Plan 2009-2011:

CAFF continues to work on the projects listed in its 2009-2011 Work Plan. In addition to biodiversity assessments and monitoring, CAFF’s flora and seabird expert groups will focus on assessing and developing reports of those areas. In terms of cooperation with international conventions, agreements and organizations, CAFF have outlined the following items:

- Cooperation with UNEP-WCMC and UNEP/GRID-Arendal
- Cooperation with the International Union for the Conservation of Nature (IUCN)
- Cooperation with the oil and gas industry on biodiversity conservation efforts
- Cooperation with the Convention on Biological Diversity (CBD)
- Cooperate on the development of the Sustaining Arctic Observing Network (SAON) process
- The International Polar Year: Participate in planning and development of IPY Legacy issues
- Cooperation with the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AWEA)


55. The Emergency Prevention, Preparedness and Response (EPPR) Working Group Work Plan

Background of EPPR:

The mandate of the EPPR Working Group is to deal with the prevention, preparedness and response to environmental emergencies in the Arctic. Members of the Working Group exchange information on best practices and conducts projects (e.g. development of guidance and risk assessment methodologies, response exercises, training etc.). EPPR is not a response agency and the work has focused mainly on oil and gas transportation and extraction, and on
radiological and other hazards. In 2004, EPPR was directed by the Arctic Ministers to expand its mandate to include natural disasters.

Summary of EPPR Work Plan 2009-2011:

The EPPR work plan will continue work on Russian and Norwegian oil and gas projects which aim to develop safety systems and monitor the behaviour of oil and other hazardous substances in Arctic Waters. Emergency exercises for radiation will take place and the aim of communicating radiation information to the public will continue. Especially the EPPR recommend the “Guidelines and Strategies for Oily Waste Management in the Arctic Regions”. This project was carried out by Canada and EPPR, and they strongly recommend implementing those guidelines across the Arctic.

Available at:


This report issued jointly by the International Union for the Conservation of Nature (IUCN) and The Natural Resources Defense Council (NRDC), hopes to illustrate how both can contribute actively the problem of Arctic Sea ice melt.

The expansion of human activity in the Arctic marine environment will require new controls and while the United Nation Convention of the Law of the Sea and other international agreements and national laws provide a general legal foundation, “new rules may be necessary to preserve and protect the Arctic marine environment.”  Eco-based management has the potential to provide an organizing framework for decision-making about Arctic marine activities and is generally accepted at the international level, including definition of ocean space, based on oceanographic and ecological criteria, and the development of trans-boundary management arrangements.

IUCN and NRDC are well positioned to take a lead role in moving international discussion of ecosystem based management and identification of vulnerable areas forward. The IUCN has a history as a forum for both government and non-government members and is also a science-based organization with participation of scientists around the world.

The report proposes convening an inter-disciplinary group of science and policy experts to identify specific management measures and arrangements to enhance ecosystem-based management and (II) identify potential area of ecological and biological significance that should be considered for protection as part of a network of marine protected areas in the Arctic. It is proposed that the output will include policy recommendations on management measures and arrangements needed to enhance ecosystem-based marine management in the Arctic region.

Available at:


This Regulation establishes harmonized rules concerning the placing on the market of seal products. The previous Council Directive 83/129/EEC of 28 March 1983 prohibited the importation into Member States for commercial purposes of skins of certain seal pups (harp seal and hooded seal pups) and products derived from seal pups.

This regulation expands to include all specimens of all species of Pinnipeds and all seal products either processed or unprocessed derived from seals.

The phrase ‘Placing on the market’ means introducing onto the Community market, thereby making available to third parties, in exchange for money.

Conditions for placing on the market:

“shall be allowed only where the seal products result from hunts traditionally conducted by Inuit and other indigenous communities and which contribute to their subsistence. These conditions shall apply at the time or point of import for imported products.”

Available at:


58. Senior Arctic Official (SAO) Report to Ministers, Tromso, Norway, April 2009

Action Items:

Objective I: Improve knowledge and respond to emerging knowledge of Arctic marine environment.

Actions: Review the assessment of Arctic marine shipping and develop recommendations to the IMO and... to guide the management of Arctic marine shipping. Follow up on the Arctic Offshore Oil and Gas Guidelines.

Objective II: Determine the adequacy of applicable international/regional commitments and promote their implementation and compliance. Actions: Continue the work on ecosystem-based approach, continuing the Implementation of the Regional Programme of Action, Proposed new PAME project on Arctic Ocean Review.

Objective III: Facilitate partnerships, programmes and technical cooperation and support communication and outreach both within and outside the Arctic Council. Actions: Information outreach and efforts to increase cooperation and collaboration with international/regional organizations. Build the capacity and engagement of indigenous communities and other Arctic inhabitants. Collaborations with Arctic Council Working Groups.

Available at:

http://arctic-council.org/filearchive/FINAL%20SAO%20Report%20to%20Ministers%20April%202009.pdf
59. European Parliament, Motion for a Resolution RC-B6-0163/2009 (Opening of international negotiations in view of adopting an international Treaty for the protection of the Arctic (vote)

The European Parliament resolution on opening of international negotiations with a view to adopting an international treaty for the protection of the Arctic was debated by Members of the European Parliament (MEP). There was agreement that the world must find a way to reconcile the conflicting territorial and resource demands made on this fragile region with its long-term environmental security but not everyone agreed that there should be a treaty. MEPs believe however that as a minimum starting point such a treaty could over the unpopulated and unclaimed area at the centre of the Arctic Ocean.

Notable excerpts from the proposed resolution are as follows:

Security in the Arctic region is a matter for the European Union and not just the Arctic states

..The threats facing the Arctic environment call for international legal responses commensurate with the stakes involved

..An international control system is the only means of ensuring that this unique environment is protected

..only a binding Arctic ‘charter’ comparable to the Antarctic Treaty, as suggested by Parliament in its resolution of 9 October 2008, could provide a solution to the problems set out by the Commission in its communication

..calls on the Council to pursue the opening of international negotiations with a view to adopting an international charter for the protection of the Arctic modeled on the Antarctic Treaty

..Calls on the Commission and the Council to work towards the introduction of a 50-year moratorium on the exploitation of Arctic geological resources...

Available at:


This article discusses the ‘tangled governance’ of Arctic Ocean policy and the demand for natural gas and oil supplies. As the ice cap melts Canadians are confronted with the challenges of developing their Arctic hydrocarbon resources. The European Union (EU) has the objectives of securing its future of natural gas supplies, implementing its natural gas market reforms and promoting its environmental objectives. The paper concludes with arguments for and against a new international legally binding instrument for the governance and regulation of the Arctic Ocean.

Available at:
www.law.fsu.edu/journals/transnational/vol18_2/koivurova.pdf

The German Federal Foreign Office in cooperation with the Ministries of Foreign Affairs of Denmark and Norway held a conference in Berlin, 11-13 March. Entitled ‘New Chances and New Responsibilities in the Arctic Region’, it had the aim of “to work out what form cooperation between Arctic and non-Arctic states can take, to discuss the involvement of multilateral organisations such as the UN or the EU, and to identify possible ways of balancing the opposing interests of Arctic littoral and other states”.

The meeting was divided into three parts, firstly Sustainable Development in the Arctic: Challenges for Environment, Societies and Research, secondly Arctic in change: New Prospects for Resource Exploitation and Maritime Traffic and thirdly An International Governance Framework for the Arctic: Challenges for International Public Law.

There was nearly a consensus amongst the concerned States that a new legal regime for the Arctic region is not necessary, but instead States should focus on the implementation of existing legal instruments.

The keynote address was given by Commissioner Joe Borg who recognised that the European Union perspective is valid and needed. In his Keynote Address entitled “Opportunities and responsibilities in the Arctic Region: The European Union’s perspective”, he made the following statements:

“The EU is firmly committed to the welfare of the Arctic and intends to be an active contributor towards its sustainable management and the preservation of its common heritage in close partnership with the Arctic States and people... Our Arctic strategy focuses on three main policy objectives: protecting and preserving the Arctic together with its population, promoting sustainable use of resources, and enhancing multilateral governance in the region”

“Regarding our third objective: that of enhanced governance, many of the challenges and opportunities facing the Arctic are truly global in nature. This means that they can only be tackled through concerted international action. So the keywords of the 21st century international policy for the Arctic must be unity and cooperation...”

“I believe the UNCLOS can deliver security and stability, strict environmental management and the sustainable use of resources. The European Commission is willing to take on its responsibility for Arctic issues and to contribute to and enhanced system of governance in the Arctic in cooperation with all Arctic States, territories and stakeholders. It is in this context that the European Union has made a request to become a permanent observer at the Arctic Council.”

62. Scholfield, Clive and Potts, Tavis “Across the top of the world? Emerging Arctic Navigational Opportunities and Arctic Governance”, CCLR, 4/2009

The Arctic Ocean has witnessed dramatic thinning and melting of sea ice cover as a consequence of climate change in recent years. This has led to increasing access to and thus activities in the Arctic region, including with regard to shipping. Arctic navigational opportunities are examined and it is concluded that there are a number of major obstacles to Arctic routes transforming the pathways of global trade, at least in the immediate future. The likely future opening up of Arctic sea-lanes does, however, provide a focal point for increasing external interest in the region and for changes in oceans governance.
This article examines the new dynamic of Arctic governance namely 1) the reform of Arctic governance within the region with a focus on domestic and regional interplay between the Arctic states and 2) pressures and influences from external actors on the Arctic system. The authors list the Ilulissat Declaration, the LOSC, the CBD, and the IMO as foundations for governance in the region. However, gap analysis completed by WWF identifies the need for reform of environmental and maritime management issues including a lack of discharge, emission and ballast standards for the Arctic; comprehensive routing systems for the Arctic marine area; and a lack of legally binding special construction, design, equipment and manning for the Arctic. The trend of external actors is driving Arctic nations to “firm up” national sovereignty.

The European Union plays an important role, due to three Arctic member states (Sweden, Finland, Denmark/Greenland) and one member in the European Economic Area (Norway). Their Northern Dimension policy engages Scandic and Russian states while their European Framework programmes fund and coordinate Arctic science. The EU maintains strategic partnerships with Russia and the US and is economically a major market for many Arctic resources. The 2008 European Parliament Resolution calling on the Commission to take a more proactive role in the Arctic resulted in the EU Arctic Communication which outlined a policy of systematic engagement in Arctic environmental protection, human rights, research and multilateral governance. The policy statement in particular suggests proposals for:

- Implementation of obligations concerning navigation rules, maritime safety, routes system and environmental standards in the Arctic, in particular those under the IMO.
- Support designation of sensitive sea areas under IMO rules if proposed by the Arctic coastal states.
- Emphasizing the need to avoid discriminatory instruments such as fees and obligatory services by Arctic coastal states towards third countries’ ships.
- Improving maritime surveillance capabilities
- Maintaining the competitive lead of European shipyards in developing technology required for conditions

The requests by China, Korea and the EU has caused Arctic states to move to assert their jurisdiction over navigation in the Arctic. Article 234 of the LOSC allows coastal states to adopt and enforce non-discriminatory provisions with the objective of preventing, reducing and controlling pollution from vessels in ice-covered areas of their exclusive economic zones (EEZs). While reforms to the internal governance of the Arctic Council are necessary, if not inevitable, it is clear that the answer to many of the problems facing the region require action in relevant external fora. The role of global maritime and environmental instruments such as LOSC, the IMO, and the United Nations Framework Convention on Climate Change (UNFCCC) will play an integral and critical role in shaping the future of the Arctic and ensure that the development of this ‘new’ ocean is one that is safe, sustainable and secure.

Available at:

http://www.lexxion.de/cclr/issues/409/abstracts/abstract-8.htm
This article examines the problem of governance in the Arctic, raising questions about underlying drivers, the identity of relevant stakeholders, the framing of issues for consideration in policy settings, and the extent to which a new regime for the Arctic Ocean or an even more ambitious legally binding convention or treaty for the whole Arctic region is needed. The general conclusion is that many proposals on offer in this realm are simplistic but there is a strong case for taking a number of pragmatic steps to address specific problems of governance in the far North during an era of rapid change.

Young writes that “there are several reasons to conclude that such a strategy may be neither necessary nor desirable as a means of providing the protection the Arctic Ocean will need in the coming years.” The major points are summarized below:

- The Arctic Ocean is already fully covered by the LOSC.
- All Arctic States have ratified bar the U.S who “accepts most of the LOSC’s provisions as a matter of practice”.
- The migratory nature of birds and whales and the artificial land and ocean boundaries means that one of the fundamental challenges in regulating the Arctic is that it must be transboundary and any regime must take that into account.
- A comprehensive Arctic Treaty of Charter is not something that many find appealing as the Ilulissat Declaration states explicitly “there is no need to develop a new comprehensive legal regime”.
- There is no basis for assuming that a comprehensive and legally binding treaty could be negotiated on a fast track and put in place on a timetable commensurate with melting of sea ice.
- The likelihood of the U.S. even under new leadership, signing and ratifying a comprehensive Arctic treaty is low.
- It seems more appropriate to pursue regulatory concerns through existing arrangements authorized to deal with the relevant issues.
- Arctic issues should be framed in the discourse of ecosystem based management
- The effectiveness of the Arctic Council should be maintained and even strengthened
- Regarding regulatory matters, the appropriate and effective fora should be used for handling important issues as they arise.

Available at:

The Permanent Forum on Indigenous Issues made the following recommendations to the Economic and Social Council Permanent Forum regarding law and policy and human rights of indigenous people in the Arctic.

Regarding law and policy:

The Forum confirmed that the rule of law is a prerequisite for peaceful regional development and recalls that an extensive legal framework applies to the Arctic Ocean, including the United Nations Convention on the Law of the Sea. This framework provides a foundation for responsible management of this ocean.

Regarding human rights:

The Permanent Forum urges all Arctic States to endorse and implement the United Nations Declaration on the Rights of Indigenous Peoples.

The Permanent Forum urges the Nordic States to ratify as soon as possible, the Nordic Saami Convention, which could set an example for other indigenous peoples whose traditional territories are divided by international borders.

The Permanent Forum calls upon Member States to analyze the compatibility of domestic laws with the United Nations Declaration on the Rights of Indigenous Peoples, in particular with a view to harmonize laws dealing with Arctic renewable resources upon which indigenous peoples depend and to include the indigenous peoples of the Arctic in a direct and meaningful way.

The Permanent Forum welcomes the document of the Commission of the European Communities (COM (2008)), Communication from the Commission to the European Parliament and the Council: The European Union and the Arctic Region delivered in Brussels on 20 November 2008 and urges the European Union to begin implementing the recommendations relevant to indigenous peoples from this document.

The Permanent Forum notes that the Governments of Finland and Sweden have been repeatedly called upon by different United Nations treaty bodies to clarify and recognize recognized Sami rights to land, fishing, hunting and reindeer grazing. The Permanent Forum notes that in Norway the Sami Parliament has not given its free, prior and informed consent the draft Mineral Act.

The Permanent Forum urges the Governments of Finland and Sweden to recognize Sami rights to land, fishing, hunting and reindeer grazing in compliance with the Convention No. 169 of the International Labour Organization (ILO) and the United Nations Declaration of the Rights of Indigenous Peoples.

Regarding climate change:

The Permanent Forum calls on the United Nations Environment Programme (UNEP) to conduct a fast track assessment of short-term drivers of climate change, specifically black carbon, with a view to initiating negotiation of an international agreement to reduce emissions of black carbon.

Available at:

65. Bennett, Mia 2009, ‘Russia plans military and economic development in Arctic’, *Arctic Foreign Policy Blog*, 31 March, viewed 15 October 2009,


The Russian Security Council released details of its Arctic policy in a document entitled “The fundamentals of Russian state policy in the Arctic up to 2020 and beyond.” One of the Kremlin’s priorities is developing the arctic and need to create “a zone of peace and cooperation”. Socio-economic development is also cited as a factor however, this article suggests that Russia’s main priority in the Arctic is military development rather than socio-development. The document states that the Arctic must become Russia’s “top strategic resource base by 2020.”

Available at: http://arctic.foreignpolicyblogs.com/2009/03/31/russian-development-plans-in-arctic/


Many Strong Voices is a community-driven consortium which is coordinated by two Norway-based institutions, UNEP/GRID-Arendal and CICERO. It’s vision is “to ensure the well-being, security and sustainability of coastal communities in the Arctic and Small Island Developing States (SIDS) in response to ongoing and anticipated climate change.”

The goals of the workshop were to:

- Share information on regional adaptation efforts and continue building the relationship between MSV partners.
- Confirm 5-year plan priorities and focused outreach strategy for the UNFCCC.
- negotiations and other key international and regional meetings leading up to Copenhagen COP XV.
- Develop the next steps in the SIDS vulnerability assessment.

The Many Strong Voices 5 Year Action Plan is available at:


Further information on the workshop is available at:

http://www.manystrongvoices.org/docs.aspx

Available at: http://www.manystrongvoices.org/news/3499.aspx

67. Report and Recommendations: Climate Change and Arctic Sustainable Development: scientific, social, cultural and educational challenges, International Expert Meeting, Monte Carlo, Monaco March 3-6, 2009

This event is part of UNESCO’s efforts to fulfill the objective of its Strategy for Action on Climate Change, namely to “build and maintain a requisite knowledge base; help adaptation to the impacts of climate change; strengthen sustainable development”. It brought together 42
international experts including natural scientists, social and human scientists, environmental ethicists, education development specialists, representatives from NGOs and circumpolar indigenous peoples, to facilitate interdisciplinary plenary sessions and working groups to deliberate on the diverse aspects of climate-induced environmental changes in the Arctic.

Key themes at the meeting were assessing the changes anticipated across the circumpolar North and investigate ways to monitor them and exploring the scientific, social, cultural and educational challenges to be met to ensure the region’s sustainable development.

Regarding Arctic governance:

Governance initiatives should consider values beyond macroeconomic indicators and economic growth rates.

The United Nations Framework Convention on Climate Change (UNFCCC) should address land-use changes as an important driver of climate change.

UNESCO should work closely with the Arctic Council, which provides a forum for cooperation between Arctic and non-Arctic states, indigenous peoples and observer organizations, to promote sustainable development.

The full and effective participation of indigenous peoples in international climate change negotiations and debates should be ensured.

A working/advisory group should be established to develop dialogue and strategy on the challenges of climate change for circumpolar indigenous peoples, including safeguarding intangible heritage and building synergies between indigenous and scientific knowledge.

UNESCO and other international bodies should support efforts by Arctic indigenous peoples and peoples of the Small Island Developing States and other vulnerable regions to achieve an effective climate change treaty that will reduce risks and vulnerabilities, in particular to peoples living in low lying areas, small islands and the Arctic.


Arctic peoples should be involved, formally and informally, in collaborative management of biodiversity at all levels of planning and decision-making concerning the Arctic and its future.

Sustainable use by indigenous peoples should be acknowledged when any proposals are made to place animals on endangered species lists. It should be recognized that indigenous peoples have depended upon this resource for their traditional diet, which has an impact on their health, and that sustainable use of the surplus of nature (sea mammals, deer, birds etc) is legitimate and is an important part of Arctic culture.

Indigenous peoples should be fully and effectively consulted prior to any restrictive measures being considered.
Arctic wetlands and other underrepresented ecosystems should be properly represented in existing conventions and other international fora by stressing the important services that Arctic wetlands provide (regulating climate and hydrology).

UNESCO should support the efforts underway to improve international governance of the Arctic, such as broadening stakeholder participation. This should, in part, support improved outcomes for Arctic biodiversity such as the analysis of Multilateral Environmental Agreements being conducted by UNEP.

Arctic states and Greenland should be encouraged to recognize the importance and value of efforts by non-Arctic stakeholders, including international organizations and NGOs, to sustain the region’s unique biological, social, and cultural heritage and reduce the effects of climate change, and they should collaborate with these efforts.

Both Arctic and non-Arctic states should be encouraged to work together to develop coordinated programmes to mitigate environmental deterioration in the Arctic.

All necessary efforts should be made to enable research to thrive by ensuring free and open scientific access to the Arctic. In view of the gaps in the application of Article 247 of the United Nations Convention on the Law of the Sea (UNCLOS), UNESCO is requested to act through the mechanisms of the IOC to develop related procedures which would improve access of researchers to the exclusive economic zones of Arctic states.

Available at:


This presentation discusses the management and protection of Polar Bear populations in USA. Relevant legislation is listed:

- 1973 International Agreement on the Conservation of Polar Bears
- Marine Mammal Protection Act
- CITES (Convention on International Trade of Endangered Species of Wild Flora and Fauna)
- Endangered Species Act May 2008
- Inuvialuit-Inupiat Agreement
- U.S./Russia Bilateral Agreement

Partnerships for Polar Bear Protection in the US include:

- State of Alaska: Strategic planning for marine mammals; collaborative effort walrus/polar bear/seal monitoring
- Stake holder in US-Russia Bilateral Treaty negotiations
- Polar Bear Coordination Agreement – with ADF&G November 2008
- Alaska Nanuuk Commission
- US-Russia Bilateral Agreement
- Agreement between the Native Peoples of Alaska and Chukotka
- Canada/United States Memorandum of Understanding
- Polar Bear Coordination Agreement Alaska Department of fish and Game and the US Fish and Wildlife Service, Anchorage
- Inuvialuit-Inupiat Polar Bear Agreement for the Southern Beaufort Sea Polar Bears

Available at: http://www.polarbearmeeting.org/attachment.ap?id=10346


This presentation discusses the management and protection of Polar Bear populations in Greenland. The key legislation in addition to scientific data was reported.

International agreements specific for polar bears:
- The International Agreement on the Conservation of Polar Bears and Their Habitat (Oslo Convention)/ IUCN/PBSG.
- Greenland and Canada/Nunavut are working on a Memorandum of Understanding, to promote cooperation on shared populations
- Indirectly including polar bears: Convention on Biodiversity, CITES, IUCN, CAFF, etc.

National regulations for Polar bear management:

Available at: http://www.polarbearmeeting.org/attachment.ap?id=9749

70. ‘New Chances and New Responsibilities in the Arctic Region’ International Conference at the German Federal Foreign Office in cooperation with the Ministries of Foreign Affairs of Denmark and Norway, March 11-13, 2009

The German Federal Foreign Office in cooperation with the Ministries of Foreign Affairs of Denmark and Norway held a conference in Berlin, 11-13 March. Entitled ‘New Chances and New Responsibilities in the Arctic Region’, it had the aim of “to work out what form cooperation between Arctic and non-Arctic states can take, to discuss the involvement of multilateral organisations such as the UN or the EU, and to identify possible ways of balancing the opposing interests of Arctic littoral and other states”.  

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The Arctic represents one of the major strategic challenges of the 21st century. Closing existing gaps in laws and regulations must become a priority. Gloser identifies eight areas which requires fleshing out and implementation.

- The Environment: The UN Convention on the Law of the Sea is not specific to the Arctic except for the regulation on ice-covered areas.
- The Arctic is considered part of the common heritage of mankind, yet if national interests reduce the size of the Arctic, this will make it more difficult to safeguard environmental and international interests.
- Research: Polar research should not be newly accessible shipping routes or enlarged national outer continental shelves.
- Fisheries: Arctic specific regulations and mechanisms are needed.
- Institutional Framework: The Arctic Council could make Non-arctic States qualified voting members of the Council to help bring about an intensified and more binding cooperation.
- Cooperation with Third parties: International cooperation with important UN bodies and other international organizations should be organized and institutionalized.
- Security: The Arctic Council does not have a security mandate; an appropriate platform is needed to adequately address security matters.
- Settlement of legal issues: Obtaining judgments from the International Tribunal for the Law of the Sea might help to solve legal issues and build on the solid foundations provided by the international law of the sea.

EU Commissioner Joe Borg, gave the keynote address entitled “Opportunities and responsibilities in the Arctic Region: The European Union’s perspective” in which he made the following statements:

“The EU is firmly committed to the welfare of the Arctic and intends to be an active contributor towards its sustainable management and the preservation of its common heritage in close partnership with the Arctic States and people... Our Arctic strategy focuses on three main policy objectives: protecting and preserving the Arctic together with its population, promoting sustainable use of resources, and enhancing multilateral governance in the region”

“Regarding our third objective: that of enhanced governance, many of the challenges and opportunities facing the Arctic are truly global in nature. This means that they can only be tackled through concerted international action. So the keywords of the 21st century international policy for the Arctic must be unity and cooperation...”

“I believe the UNCLOS can deliver security and stability, strict environmental management and the sustainable use of resources. The European Commission is willing to take on its responsibility for Arctic issues and to contribute to and enhanced system of governance in the Arctic in cooperation with all Arctic States, territories and stakeholders. It is in this context that the European Union has made a request to become a permanent observer at the Arctic Council.”


To any country that comes to work in the Arctic or to seek economic opportunity in the Arctic, the first responsibility is to work in partnership with Inuit people.

The Inuit are a true maritime people, an indigenous people of the Arctic protected by United Nations Declaration on the Rights of Indigenous Peoples and a people committed to safeguarding the well-being of the Arctic.

The Inuit Circumpolar Council (ICC) was founded to promote Inuit unity, to promote protection of the Arctic environmental and to ensure that Inuit are involved in policy-making and development plans. It is strongly urged that Germany and other EU members enter into a dialogue with the ICC to discuss issues which are not discussed at the Arctic Council.


Arverd Fuchs is a polar explorer with thirty years of polar exploration experience. He notes the difference in sailing through the Northeast Passage in the 1990s when the ice was too thick to doing so in 2002, when he sailed without the help of an icebreaker. Climate change has left a very clear mark on the Arctic region. Shipping routes in the Arctic could be established but binding rules should be established to protect the environment in the Arctic. Furthermore, involving indigenous people in the decision making process is of utmost importance.

In this paper, Georg Witschel reiterates the points made by Minister of State Gloser and aims to provide further discussion on those points.

The Environment: The UN Convention on the Law of the Sea is not specific to the Arctic except for the regulation on ice-covered areas. Perhaps governance structures for the Arctic region could be implemented by use of an accompanying implementing agreement to the UN Convention on the Law of the Sea?

The Arctic is considered part of the common heritage of mankind, yet if national interests reduce the size of the Arctic, this will make it more difficult to safeguard environmental and international interests.

Research: Polar research should not be newly accessible shipping routes or enlarged national outer continental shelves.

Fisheries: Arctic specific regulations and mechanisms are needed.

Institutional Framework: The Arctic Council could make non-Arctic states qualified voting members of the Council to help bring about an intensified and more binding cooperation.

Cooperation with Third parties: International cooperation with important UN bodies and other international organizations should be organized and institutionalized. How can the general international cooperation mentioned in the Ilulissat Declaration be organized and institutionalized?

Security: The Arctic Council does not have a security mandate; an appropriate platform is needed to adequately address security matters.

Settlement of legal issues: Obtaining judgments from the International Tribunal for the Law of the Sea might help to solve legal issues and build on the solid foundations provided by the international law of the sea.


While the Arctic region is not subject to an overarching treaty such as that in the Antarctic, activities in the Arctic are governed by the UN Convention on the Law of the Sea (UNCLOS). Four legal issues in the Arctic discussed in this article are the freedom of navigation in the Arctic, jurisdictional claims, rules on the protection of the Arctic environment and the rules regarding cooperation in the Arctic.

Regarding Freedom of Navigation:

The Northwest Passage is governed by a 1988 Arctic cooperation agreement between the US and Canada, in particular paragraph 3 “the Government of the United States pledges that all navigation by U.S. icebreakers within waters claimed by Canada to be internal will be undertaken with the consent of the Government of Canada.” Article 8 of UNCLOS reflects customary international law and recognizes all waters on the landward side of the baseline of the territorial sea as internal waters. Art. 8 (2) in particular states: “Where the establishment of a straight baseline in accordance with the method set forth in article 7 has the effect of enclosing as internal waters areas which had not previously been considered as such, a right of innocent passage as provided in this Convention shall exist in those water.” Canada and the U.S. both view the territorial rights quite differently. Straight baselines were drawn in Canada in 1985
and right to innocent passage existed previously, while the U.S. maintains that the Northwest Passage was traditionally used for international navigation which is a precondition for considering a strait as one for international navigation. The author notes that a solution for the Northwest Passage should be sought within rather than outside the UN Convention on the Law of the Sea.

Regarding Jurisdictional Claims:

Articles 76 and 77 provide the mechanism to assist States in the delineation of the outer continental shelf.

Regarding Arctic Environmental Legal Regime:

Although there is no comprehensive international treaty, domestic laws and international instruments govern the Arctic. The mechanisms that the international agreements provide should be used to progressively develop the Arctic legal regime rather than having recourse to unilateral action.

Regarding Arctic cooperation:

The Arctic Council provides a forum for cooperation with the main function of protection of the environment but with a wider mandate also that concerns: “common Arctic issues, in particular issues of sustainable development and environmental protection”.

Conclusion: Although there is no treaty regime in the Arctic, it could not be said that there is a legal vacuum. International agreements, including the UN Convention on the Law of the Sea make it possible to further develop the already existing Arctic legal regime.


Possibilities include oil and gas exploitation and fish harvesting which will bring responsibilities regulating those activities and maritime traffic. The activities that can be foreseen include ensuring that the design and equipping of ships will prepare them for the special Arctic conditions. The International Maritime Organization is critical in this regard. Ship ownership and insurance issues should be also be focused on in terms of risk assessment and compensation for oil spill and damage. Effective bilateral cooperation between Russia and Norway has proven successful for transshipping. However, in relation to transshipment at sea, amendments to Marpol Annex I for the prevention of marine pollution during ship-to-ship oil transfer operations should be focused on.

Conclusions: It is important to utilize existing international instruments such as the IMO and the Arctic Council. UNCLOS provides a legal framework; the challenge is to implement those rules through effective policy making. Preventive measures must be taken: monitoring, surveillance, routing systems and a Polar Code, oil spill preparedness must be established, SAR measures and dialog with NGOs and commercial partners and societies is also important.

In 2001, institutions of higher education and research in the eight Arctic countries formed a network of member institutions called the University of the Arctic or UArctic. The three main drivers of social and environmental change are identified as the effects of technological development, the effects of globalization and the effects of climate change. With courses as varied as social policy, sustainable development and Arctic governance, it is emphasized that UArctic can be a welcome tool in seizing enhanced and new chances and assume the new responsibilities in the Arctic.


Climate change raises important questions regarding the right to access and the right to the resources of the Arctic. Questions such as who should benefit, who will be affected, what regulations are in place and by whom should these be regulated? The UNCLOS is based on the rights of states and not the rights of people. There is a need to ensure that people in the Arctic are granted a voice and can contribute to the establishment of a comprehensive regime. International attention on mineral and energy sources in the Arctic does not integrate decisions made a local community level or by local authorities. As a consequence, the benefits rarely remain in the local community. Although climate and environment changes are important, socio economic changes in the Arctic are crucial to the societal development of people, community and culture in the Arctic.


“A key question is whether the current institutions and frameworks have the capacity to address these challenges. The debate over whether a new treaty is needed to remedy deficiencies has confused the issue. There is a body of law, including UNCLOS, which covers the Arctic. In addition, the Arctic nations have evolved a forum based approach to discussing Arctic issues through the Arctic Council. The question remains whether this framework of hard and soft law is sufficient to meet the emerging challenges to sustainability. … A different and perhaps equally productive approach to the question would assess the management challenges likely to emerge in the changing Arctic and then evaluate the capacity of the current institutional framework to meet them… Ecosystem based management has in recent years emerged as a preferred management approach in such systems, and may hold promise for the Arctic.


The severe problems in the Arctic require vital knowledge and research coupled with monitoring and cooperation. Five key topics are 1) Promoting dialogue and international cooperation across all areas affecting the Arctic between international forums, regional organizations and NGOS. 2) Monitoring and observation projects should be merged and work together to integrate fragmented data and highlight gaps. 3) Prevention, preparedness and disaster response capabilities should be enhanced across borders as the sea ice melts and shipping traffic grows. 4) Conservation of ecosystems and environmental impacts should be
shared amongst Arctic states. 5) The screening of chemicals and global contaminants should be linked to regulatory initiatives.


This paper makes suggestions for a first step towards a Canadian strategy for the Arctic region in its entirety. The objectives of that strategy should: 1) Elevate Arctic international relations to the highest political level. 2) Engage the USA and the Russian Federation in cooperative stewardship. 3) Invigorate regional governance, namely the Arctic Council.

Initiatives which should be taken under the strategy are: 1) Elicit US interest in an Agreement on Basic Principles of Arctic International Relations 2) Enlarge the Arctic Council to enable non-Arctic state to participate freely 3) Stabilize Arctic relations with the United States, Germany, China and Norway 4) Give priority to Arctic Fund allocations to capacity building for permanent participants in the Council.


This paper discusses the applicable legal regime in the Arctic, the legal status of maritime spaces and discusses national policies and implementation of international obligations. However, there are unresolved issues in the Arctic between the coastal states regarding straight baselines, maritime boundaries sovereignty issues and nature of passage. Implementation of UNCLOS and related instruments is crucial to resolve these disputes. States should reaffirm their commitment to UNCLOS by taking effective legal measures within their laws and policies to implement their rights and duties under the Convention. Only through the implementation of existing legal framework and instruments will the international community be able to identify region specific gaps and adequate solutions.


This paper discusses the general legal regime, maritime delimitation, the continental shelf, fisheries, shipping and the protection of the marine environment. Negotiating a new implementation agreement on the Law of the Sea would be “extremely complicated and time and energy consuming, and the result would probably be another general framework”. Close cooperation within the framework of the Arctic Council would help to coordinate action of issues. The Arctic Council should also be inclusive rather than exclusive.

“There is no general legal uncertainty in the Arctic Ocean and therefore no need to develop a new legal regime. The law of the sea and the other relevant legal systems already contain the necessary rights and obligations to face the challenges that lie ahead for the Arctic Ocean.” However, cooperation is tantamount and the Arctic states should continue to implement appropriate measures at both national and international level and apply relevant provisions of the existing legal framework.


The expectations for investment in the Arctic are enormous. However, economic development will impact heavily on the environment and the communities of indigenous people. Environmental Impact Assessment (EIA) legislation exists in all the Arctic States. It is a central tool for sustainable development in the region and in 1997, the Guidelines for Environmental Impact Assessment in the Arctic (EIA Guidelines) were adopted at the Alta Declaration and now are recognised as best practice. These guidelines should be developed more to increase the standard of environmental impact assessment. The internet could also be used as a tool in assessment work for authorities, stakeholders and local people in the Arctic.


Although important research has been carried out in the Arctic already, a new level of intensity is needed. Major questions that still need to be answered are: 1) How fast will the ice shrink? 2) How will the ecosystems change in response to changing ice cover and temperatures? 3) How will the greenhouse gases from the thawing permafrost affect climate change? 4) What new discoveries are hidden in the deep Arctic Ocean? 5) How can we regulate exploitation of the Arctic Ocean? Researching in the Arctic is difficult due to harsh and extreme conditions. Coordination is paramount the efforts made during the IPY 2007-2009 to coordinate research should be maintained.


The issues of jurisdictional conflicts and clashes over natural resources offer the world a unique opportunity to develop the Arctic as a zone of peace. Many governance measures are already in place at international and national levels and cooperation takes place in the forum of the Arctic Council. Lessons for governance should be taken from the Antarctic Treaty and science should also play a central role in governance in the Arctic. Shared assessment of environmental security risks should also recognize that international law is subject to interpretation by individual States. The key point is that there is a unique window of opportunity to establish the Arctic as a zone of peace for the lasting benefit of all humanity.
Coastal Arctic States are currently examining resource exploitation activities on land and within their own EEZ. Arctic navigation is also on the increase and the development of harbours and search and rescue systems are being discussed by coastal states. There is no international organization to address these developments. The Arctic Council has a limited mandate and can provide no management plan for sustainable use of resources which protects flora and fauna in the Arctic. Therefore, the EU should promote the establishment of an Arctic Ocean Treaty System to manage the exploitation of oil and gas and allow the safe development of navigation.

This statement was given by Dr. Alexander Vylegzhanin, from the Moscow State Institute of International Relations (Russian Federation). In this paper, he makes suggestions regarding the discussion of teachings of specialists in international law as interpreted and applied to the Arctic Ocean:

- International law is not expressed only in the UNCLOS 1982
- Legislative and treaty practice of Tsarist Russia of the USSR and the Russian Federation is applicable
- Legislative and treaty practice of Canada
- Respect given to the US not to participate in the UNCLOS 1982.

He also makes suggestions regarding bridging legal views on International Governance framework for the High Seas in the Central Arctic:

- To reach consensus as to the legal qualifications of ice and water arctic areas beyond 200 miles from the baseline as to the High Seas and not to the High Seas
- To provide concept of Legal Framework for Management of Living Resources in the Arctic High Seas.

Regarding the different legal positions of five Arctic coastal states, he suggests different assessments of the status of the Arctic Ocean bed beyond 200 miles from the baseline.

- Continental shelf to be delimited between such states according to Art. 6 of the continental shelf, 1958 (US view) or according to Art. 83 of UNCLOS 1982 (4 other Arctic states)
- Continental shelf to be delimited between such states plus the area to be delineated according to Art. 76 of the UNCLOS 1982
- As legal dichotomy: For those party to UNCLOS Continental shelf to be delimited between such states plus the area to be delineated and for the US and other non-parties to the UNCLOS 1982 – the bed of the high seas (Convention on the High Seas, 1958)
This statement was given by Director General Rolf Einar Fife of the Ministry of Foreign Affairs of Norway. In his paper he states:

“An extensive international legal framework already applies to (the Arctic). we thus have a large tool-box. The challenges is to take timely measures – something which in turn requires effectively implementing the ground rules and formulating appropriate policies. We need to identify and address the real issues, not engage in abstract discussions on alternative legal frameworks. The Arctic Council may provide for essential input to policy formulation in several fields. The Law of the Sea Convention provides the comprehensive legal framework with the ground rules, including for ice-covered waters. The coastal states have particular rights, obligations and responsibilities in their zones and on their continental shelves, while other States have freedoms and rights in conformity with the Convention. Effective policies and accountability depend on clarity of jurisdiction.”

This statement was given by Dr. Marie Jacobsson, Legal Adviser on International law to the Ministry of Foreign Affairs of Sweden.

“This Arctic Region consists of land, water and air and international law applies to this region as it does to any region in the world. States have sovereignty over their land and sea territory, as well as over their air space and coastal states have certain well-defined sovereign rights in their exclusive economic zones and over their continental shelves as well as certain functional jurisdiction. There is no legal vacuum that is particular to the Arctic region.”

This paper discusses how Arctic governance challenges relate to the debate about climate security and the overall concept of environmental security. Climate security is a foreign policy issue as limited resources to land, fresh water and fuel can lead to conflicts and will trigger environmental migration. Environmental cooperation can be used a measure to mitigate negative consequences and to support peace and stability. The ‘main pillars’ of the environmental security debate are scarce resources and environmental degradation; violent conflicts over resource abundance; energy the risk of overuse of energy resources and the need to move toward renewable energy; and declining fish stocks and the negative impact of pollution on the ocean. The cooperative management of natural resources can help to promote peace in the Arctic. Arctic governance structures based on the existing approaches in international law and with the cooperation of international institutions are needed to help implement strict environmental standards for the sustainable use of resources.

As chairman, Georg Witschel gives a report of his conclusions and presents a summary which can serve as a practical tool for further discussion.

96. International Meeting of the Parties to the Agreement on the Conservation of Polar Bears, Tromsø, Norway, March 2009

March 17-19 2009

Norway invited the Contracting Parties to the 1973 polar bear Agreement to a meeting of the parties in Tromsø, Norway on the 17 - 19 March 2009. The polar bear range States, Canada, Denmark/Greenland, Norway, Russia and USA, entered into an agreement in 1973 to protect polar bears and their habitat. The five Contracting Parties met last time in Oslo 1981 and decided then that the agreement would be valid indefinitely.

The purpose of the 2009 meeting was to

- provide an update on the conservation status for the polar bears
- review implementation of the polar bear Agreement
- identify useful polar bear conservation strategies
- discuss mechanisms for enhanced implementation of the polar bear Agreement

Outcomes of the meeting:

Climate change affects every nation on the earth and reaches well beyond the five parties to the Agreement so the parties look to other fora and national and international mechanisms to take appropriate action to address climate change.

Regarding Polar Bears and Climate Change:

The parties agreed that conservation of polar bears requires adaptive management in response to climate change. The primary adaptation strategy will be to manage and reduce the other stresses on polar bears and their ecosystems, such as habitat destruction, harvesting, pollution and anthropogenic disturbance. Furthermore, continued climate change amplifies such stressors and underscores the need for proactive and comprehensive management strategies.

Regarding Longer term perspectives:

The parties expressed concern that ultimately, opportunities for polar bear conservation are limited by the magnitude and rate of change in climate and sea ice conditions. The parties were also concerned that their common obligations to protect the ecosystem of which polar bears are a part can only be met if global temperatures do not rise beyond levels where the sea ice retreats from extensive parts of the Arctic. A scientific presentation noted that if sea ice is reduced according to present projections, polar bears are likely to be extirpated from most of their range within this century.

On this background, the parties recognized the urgent need for an effective global
response that will address the challenges of climate change.

Regarding Habitat protection:

The parties reinforced the importance of habitat protection as a means of implementing Article II of the Agreement on protection of ecosystems of which polar bears are a part. Parties also welcomed efforts already undertaken on habitat protection, including protected areas and land and seascape planning.

The parties also recognized that expansion of protected areas can potentially reduce the vulnerability of polar bear populations and the ecosystems of which bears are a part. It was also recognized that protected areas should be designed with consideration long-term shifts in sea ice conditions that will result from climate change and the overall integrity of habitats critical to polar bear survival.

Regarding Contaminants and pollution:

The parties recognized the urgent need for an effective global response that will address the challenges of contaminants. Ongoing efforts within appropriate fora negotiating strategies to address contaminants should be informed of the significance of contaminants to the conservation of polar bears.

Regarding Industrial Development:

The parties agreed that strict environmental regulations and standards are needed to protect polar bears potentially affected by industrial development.

Regarding Shipping:

The parties recognized the likelihood of dramatically increased shipping as longer ice-free seasons increase access and open new trans-polar sea routes (Northern Sea Route; transiting the Bering Strait; and Northwest Passage). Potential effects of shipping on polar bears include pollution, noise, physical disturbance related to ice-breaking, and waste. Shipping scenarios and associated impact assessments have been developed through the Arctic Council (Arctic Marine Shipping Assessment). This assessment should be considered by the parties in their work to develop specific mitigation measures, including routing of traffic and other maritime safety measures; to identify monitoring and research priorities; and, to establish contingency plans to minimize impacts from shipping on polar bears.

Regarding Development of plans for action:

In light of the growing concern over polar bear conservation in relation to climate change and a number of other emerging issues, such as oil- and gas activities, shipping and tourism, the parties agreed to initiate a process that would lead to a coordinated approach to conservation and management strategies between the parties. A key aspect of this approach is the recognition that plans for action should be developed at a national level leading up to development of comprehensive circumpolar plans for action that address polar bear conservation.

Available at: http://www.polarbearmeeting.org/content.ap?thisId=500038360
This presentation discusses the management and protection of Polar Bear populations in Norway. The report refers briefly to international cooperation as:

Global and Regional conventions:
- Climate Change
- Pollution and contaminants
- Biodiversity and species conservation

Regional Cooperation is listed as:
- Arctic Council
- Norwegian-Russian Environmental Commission

Policy and Legal Framework is listed as:
- High environmental policy objectives (1999)
- Strict and modern regulation in the Svalbard Environment Act
- Protected areas as key tool for habitat protection

Barents Sea
- Policy framework set in the management plan for the Barents Sea (2006)
- Regulation through various thematic Acts

Available at: http://www.polarbearmeeting.org/attachment.ap?id=9721

This presentation discusses the management and protection of Polar Bear populations in Canadian territory. Key legislation protecting the polar bear is outlined:

- Agreement on the Conservation of Polar Bears and their habitat 1973
- CITES
- CITES implemented in Canada through Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act WAPPRITA)
- The National Species at Risk Act (SARA)
- Inuvialuit Final Agreement
- Canada Wildlife Act
- Canada National Parks Act
- MOUs between communities within management units

Available at: http://www.polarbearmeeting.org/attachment.ap?id=9781

99. Protection and management of polar bear populations of Russia, Russia Country Report presented at the International Meeting of the Parties to the Agreement on the Conservation of Polar Bears, Tromso, Norway, March 2009

This presentation discusses the management and protection of Polar Bear populations in Russia. Relevant legislation is listed:

- 1938 – first hunting restrictions
- 1950 – polar bear hunting restrictions throughout entire the Soviet Arctic
- 1956 – complete ban of the polar bear hunting in the Soviet Arctic
- post 1956 – Development of the Natural Protected Areas network
- Listing the polar bear in the Federal and regional Red Data books

Strategies for Polar Bear Protection in the Russian Arctic include:

- 2009: Strategy and Action Plan drafted by WWF-Russia, supported by the Ministry of Natural Resources and Ecology of the Russian Federation
- U.S. - Russia polar bear Agreement, came into force on September 23, 2007
- Agreement on polar bear between native people of Alaska and Chukotka

Available at: http://www.polarbearmeeting.org/attachment.ap?id=9722

100. “Policy Options for Arctic Environmental Governance” prepared by the Environmental Governance Working Group, Arctic Transform Expert Policy Papers, Co-Chairs: Dr. Stuart Chapin and Dr. Neil Hamilton, March 5 2009

There is much common agreement regarding Arctic governance and common interests among Arctic states. The EU and the US both released important statements regarding their Arctic policies. In November 2008, the European Commission issued its Arctic Communication, which laid out EU Policy Objectives in a number of areas, including environmental protection, indigenous peoples, sustainable use of resources, and international governance options. The
January 2009 Presidential Directive on Arctic Region Policy outlined a similar set of issues. Areas of agreement were noted:

- Both affirmed their commitment to the law of the sea framework
- Both prefer to work within existing institutions and frameworks rather than creating a new regime
- Both recognize the threat to indigenous communities by rapid environmental change and poorly regulated economic expansion
- Both indicated a commitment to greater cooperation in scientific research and monitoring
- Both highlighted the need for greater coordination on matters of safety and emergency response.
- Both support ecosystem-based management and have experience within their own maritime zones.

Regarding opportunity for international collaboration:

Arctic governance strategies could build upon and set precedents for effective environmental governance frameworks throughout the world. Sector specific policies are critical for managing fishing, hydrocarbon and shipping activities but an ecosystem-based management approach is necessary to ensure that adequate environmental safeguards are established in the marine Arctic. The development of such an approach is fundamentally international in nature and should be based on a system of international principles, standards and rules that addresses the interactions and interdependencies among countries, stakeholders and institutions in the context of climate change.

Regarding analysis of policy shortcomings:

Environmental governance in the marine Arctic is characterized by a patchwork of rules and institutions that reflects a mix of national jurisdictions and international space. There is no current governance body specifically mandated to adopt and enforce legally binding rules for the marine arctic. The Arctic Council has no mandate to impose legal obligations on Arctic states and that capacity lies in the hands of those countries through bilateral and multilateral initiatives that they might take. There is no network of marine protected areas established in the Arctic as well as lack of regulatory instruments such as transboundary environmental impact assessment (EIA). There is also a lack of integrated, cross-sectoral, ecosystem-based management.

Regarding Policy pathways:

The idea of policy pathways is an evolution of policy over time and could for example, enable a precautionary beginning to environmental protection and then a gradual easing of environmental restrictions. There is little support for an Arctic Treaty by both the EU and the U.S. However, their statements leave the door open for new international instruments and examples of starting points are given.

- Fisheries Working Group: “prepare for the conservation and management of new and expanding fisheries within parts of the Arctic marine area...including by means of effective policies for combating IUU fisheries under flags of non-compliance and through port-state control to deter free riders to take advantage of changes in distribution”
- Shipping Working Group: “Work closely at IMO to strengthen the existing voluntary Arctic Guidelines and develop a strategic plan with a timetable to make the guidelines mandatory”

- Offshore hydrocarbon Working Group: “Seek to integrate offshore oil and gas with other activities in the area to minimize conflict through marine spatial (and temporal) planning. Take first steps towards a Pan Arctic EIA”.

- Indigenous peoples Working Group: “The commercial industries benefiting from the Arctic (should) set up an Arctic Trust Fund that will counterbalance some of the risks that their activities create. The fund could be used for adaptation activities such as relocation, training, education, etc..”

Regarding principles of environmental governance:

- The principle of fit – create arrangements that avoid or minimize spatial and temporal mismatches governance practices, e.g. Multi-level governance.

- The principle of multiple use – develop integrated approaches that can mediate among different uses of marine resources and establish priorities when such uses are incompatible

- The principle of cooperation ensures that all stakeholders have a voice in decision-making and decisions are made in a transparent fashion at the appropriate level of governance.

- The principle of adaptive management – the governance system is designed to promote adaptation and social learning as knowledge improves regarding the relevant biophysical systems, human activities and their interactions.

- The principle of policy flexibility – Changing policy according to the changing ecosystems using resilience, learning and ecosystem-based management.

- The principle of precaution – Putting regulations in place before human activities increase.

Regarding Actors and Institutions:

The Arctic Council provides a unique intergovernmental forum with the eight Arctic states and indigenous peoples having the central roles in guiding its activities. However, indigenous peoples have had limited engagement in policy development and the report states that arctic indigenous peoples still face significant barriers to the full assertion of their rights.

Other state-linked groups include the Nordic Council of Ministers, the Northern Dimension, the Conference of Arctic Parliamentarians, International Arctic Science Committee and other regionally-based organizations. None have articulated a plan to take up the challenge of improving Arctic environmental governance in any overarching manner.

WWF has been significant through its early identification of climate-related issues and its ongoing presence as an observer at the Arctic Council and participant in the Working Groups.

Regarding Policy Options:

- Scientific research: Improved understanding or marine ecosystems and how they are evolving is an essential component

- Moratoria – It could be desirable to place moratoria on activities in specific regions before levels of human activity increases.
- Environmental Impact Assessments and risk assessments – Could be useful for preventing and responding to political, economic or cultural instabilities stemming from environmental change.

- Issue-specific summits – could raise awareness on specific issues, explore potential solutions and spur nations to close gaps in governance.

- Marine protected areas – Designation of marine protected areas could be used to protect particularly sensitive, pristine and unique areas.

- Large marine ecosystems (LME) – The managements of LMEs could be undertaken at national and bilateral levels in order to preserve ecosystem integrity and holistic governance of human activity in these regions.

- Integrated coastal management (ICM) – managing the land-water interface through integrated coastal management could help reduce land-based contributions to degradation of the marine environment.

- Reserve networks – establishing networks of terrestrial and marine protected areas could increase the resilience of ecosystems’ abilities to adapt to changing Arctic conditions.

- Arctic Council – It serves as the most important forum for discussion however weaknesses include lack of adequate funding and a permanent secretariat. There is also a lack of political will on the part of the Council’s member states to timely implementation of its recommendations. Modifications to its current mandate may therefore be necessary.

- UNCLOS – The UN Law of the Sea Convention provides the overarching framework for ocean governance and could provide a framework for nations to harmonize national laws for marine protection within and outside 200 miles by 1) promoting well developed national standards as models and/or 2) creating international Environmental Impact Assessment (EIA) standards.

- Strengthening other existing institutions – A preferable starting point could be to strengthen the governance mechanisms already in place.

Available at:

http://arctic-transform.org/download/EnvEX.pdf


This report examines the governance regime in place in the marine Arctic and analyses the governance (gaps in international institutional framework) and regulatory gaps (substantive and/or geographical gaps in the international legal framework) in that regime.

The gaps are grouped under the following headings:

- Arctic Council and its Constitutive Instruments
- Current International Law of the Sea
- Sectoral Governance and Regulation of the Marine Arctic: Fisheries management, Shipping and offshore hydrocarbon activities

- Cross-Sectoral Issues: Transboundary environmental impact assessments (EIA), strategic environmental assessment (SEA), representative networks of marine protected areas (MPAs) and integrated, cross-sectoral ecosystem-based ocean management.

Available at: [www.wwf.se/source.php?id=1223579](http://www.wwf.se/source.php?id=1223579)


The article introduces Nordic environmental cooperation and places it within the framework of overall Nordic cooperation. It addresses the new Environmental Action Plan and the Strategy for Sustainable Development with a focus on Nordic cooperation in the Arctic Region.

Nordic cooperation is organised through the Nordic Council which consists of members of parliament from Denmark (including Faroe Islands and Greenland), Finland (including Åland islands), Iceland, Norway and Sweden.

The legal basis for Nordic cooperation is the Treaty of Cooperation between the countries – the Helsinki treaty – of 1962 with the basic goal expressed in Article 1(1):

“The High Contracting Parties shall endeavour to maintain and develop further cooperation between the Nordic countries in the legal, cultural, social and economic fields as well as in those of transport and communications, and environmental protection.”

Denmark, Finland and Sweden are members of the European Union. Iceland and Norway are not but are members of the European Economic Agreement.

In 1974, the Nordic countries also agreed upon a specific treaty on environmental cooperation: *Miljøvernkonvensjon av 19 februar 1974 mellom Danmark, Finland, Norge og Sverige*. It gives citizens and organisations of the Nordic countries equal rights to pursue legal action in all the Nordic countries for any harmful activity against the environment that one state may engage in.

Each Nordic country is also party to a number of multilateral environmental agreements such as the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change and the Stockholm Convention on Persistent Organic Pollutants. Regional conventions which the countries are party to include the Convention on the Conservation of European Wildlife and Natural Habitats, the Espoo Convention on Environmental Impact Assessment in a Transboundary Context, the European Landscape Convention and the Convention for the protection of the Marine Environment in the North-east Atlantic (the OSPAR Convention).

Environmental cooperation is organised through the Nordic Council of Ministers using three processes 1) meetings of the Ministers of the Environment 2) an Executive Committee of government officials 3) various working groups drafting recommendations or specific projects.

The concept of “Nordic benefit” is used for saving resources or increasing results by sharing tasks or developing cooperation in an agreed direction.

Currently a four year action plan is in place (2009-2012) which lays down priorities for Nordic cooperation on environmental matters. There are four main themes: climate and air, sea and coastal regions, biological diversity and ecosystem services and sustainable development and production.
The Nordic Council of Ministers has observer status in the Arctic Council as does the Nordic Environment Finance Corporation (NEFCO) who funds projects in Russia, Ukraine, Estonia, Latvia, Lithuania and Belarus.

103. The Protection of the Arctic Marine Environment Working Group (PAME) Work Plan

Background of PAME

PAME was first established under the 1991 Arctic Environmental Protection Strategy and was continued by the 1996 Ottawa Charter that established the Arctic Council. PAME is the focal point of the Arctic Council’s activities related to the protection and sustainable use of the arctic marine environment. It has a specific mandate to keep under review the adequacy of global and regional legal, policy and other measures, and where necessary to make recommendations for improvements that would support the Arctic Council’s Arctic Marine Strategic Plan (2004).

Summary of PAME Work Plan 2009-2011:

The 2009-2011 work plan lists the objectives of the working group:

- Improve knowledge and respond to emerging knowledge of the Arctic marine background
- Determine the adequacy of applicable international/regional commitments and promote their implementation and compliance.
- Facilitate partnerships, programmes and technical cooperation and support communication and outreach both within and outside the Arctic Council.

The report states that PAME aims to:

Promote the implementation and compliance of applicable international instruments and governmental commitments through increased coordination and collaboration and trends towards integrated approaches such as ecosystem approaches in addressing the challenges of the coastal and marine environment. The environment faces pressure from multiple uses, and an integrated ecosystem approach to management requires a holistic management perspective that minimizes impacts on the environment and integrates thinking across environmental, socio-economic, political and sectoral realms.

The Arctic Council has an opportunity to provide international leadership on the global sustainable development agenda through the adoption and application of an integrated, ecosystem-based approach to managing the Arctic marine environment, consistent with existing legal framework.

Many countries are now in the process of reviewing and developing their oceans management policies in order to base their management and use of the oceans on ecosystem considerations. Differences in circumstances and contexts have to be taken into consideration as ecosystem-based oceans management is context sensitive. There is not one single method for ecosystem-based management. A number of different practices and understandings of the concept appear to work. As a result, PAME is expanding its work in this regard to try to reflect the breadth of approaches that may be applied to achieve ecosystem-based management.

Available at:

Arctic Ocean Review Project (AOR)
- The AOR project is to conduct a review of existing measures and identify gaps in ocean review.

Arctic Marine Shipping Assessment follow-up
- PAME identified six AMSA Recommendations that it could follow up on.

Follow up on the 2009 Offshore Oil and Gas guidelines
- PAME has included in its 2009-2011 work plan an action item to discuss the need to formally develop guidelines for Arctic Offshore Oil and Gas EIAs.

Ecosystem Approach
- PAME’s expert group on ecosystem-based management and large marine ecosystems (LMEs) is engaged in identifying these in the Arctic. The overall objective of the group is to develop understanding of how ecosystem-based management can be put to use in oceans assessment and management.

Regional programme of Action (RPA) follow-up
- This agenda item is to follow up on the Regional Programme of Action (RPA 2009) for the Protection of the Arctic Marine Environment from Land-Based Activities that was adopted in 1998. The follow up plans a work plan for the following categories: Contaminants, habitat alteration/destruction, climate change adaptation.


This article focuses on the publication of Canada’s Northern Strategy and the creation of their website dedicated to arctic policy.

The article highlights key significant components of the strategy. The strategy has four components: sovereignty, promoting social and economic development, protecting the North’s environmental heritage, and improving and developing northern governance. It is focused mostly on the management of northern lands with respect to regional and native peoples and national interests. Emphasis is placed on peaceful relations with the neighbouring arctic states and working with the Arctic Council. Also noted is the International Polar Year, the Framework Convention on Climate Change and the International Maritime Organization.

There is one reference to military activity:

The Canadian Forces, in cooperation with other federal departments and agencies, will continue to undertake operations in the North, such as Operation NANOOK, conduct regular patrols for
surveillance and security purposes, monitor and control Northern airspace as part of North American Aerospace Defense Command (NORAD) and maintain the signals intelligence receiving facility at CFS Alert, the most northern permanently inhabited settlement in the world. Defence Research and Development Canada will continue to explore options for cost-effective Arctic monitoring systems, building on the current Northern Watch Technology Demonstration.

The Ocean Law Daily points out that this counteracts media coverage which indicate the potential for conflict in the Arctic Ocean.

The strategy discusses the Law of the Sea with regard to sovereignty issues citing national legislation which covers “the full extent of our exclusive economic zone as recognized under the United Nations Convention on the Law of the Sea”. Furthermore with regard to defining their domain they state “as a result of the ratification of the United Nations Convention on the Law of the Sea (UNCLOS) Canada is in the process of conducting scientific studies to determine the full extent of our continental shelf as defined under the UNCLOS. This research will ensure Canada secures recognition for the maximum extent of its continental shelf in both the Arctic and Atlantic oceans when we present our submission to the United Nations Commission on the Limits of the Continental Shelf by the end of 2013. This…is not a race. Rather it is a collaborative process based on a shared commitment to international law. Canada is working with Denmark, Russia and the United States to undertake this scientific work.

There is some discussion of areas of territorial dispute but these, according to the Ocean Law Daily are “particularly rational and mature in comparison to some commentator’s views of the potential for conflict”.

“Canada’s sovereignty over its Arctic lands and islands is undisputed, with the exception of Hans Island, which is claimed by Denmark. The dispute regarding Hans Island is on a diplomatic track following the Joint Statement of September 2005 between Canada and Denmark. This dispute is only about the island, not about the waters, seabed, or the control of navigation. Managed disagreements exist between the United States and Canada regarding the maritime boundary in the Beaufort Sea and between Canada and Denmark over part of the maritime boundary in the Lincoln Sea. The United States and Canada disagree about the legal status of the various waterways known as the Northwest Passage. All of these disagreements are well-managed and pose no sovereignty or defence challenges for Canada. In fact, they have had no impact on Canada’s ability to work collaboratively and cooperatively with the United States, Denmark or other Arctic neighbours on issues of real significance and importance. Canada will continue to manage these discrete disputes and may seek to resolve them in the future, in accordance with international law.”


The Obama administration says that the Endangered Species Act cannot be invoked to fight emissions blamed for loss of polar bear habitat. The polar bear was listed as a threatened species last May under the Endangered Species Act. However, in the last days of the Bush administration, a wildlife rule was issued to say that the government may not invoke the Endangered Species Act as a means to restrict emissions of greenhouse gases outside the bears’ Arctic range.

A group of experts convened by the United Nations cultural agency have said that indigenous Arctic peoples must be consulted on ways to preserve their ways of life and boost employment as the ice melts. “Action formulated to address Arctic issues must begin from an understanding that many of the peoples of the Arctic have self-governing institutions,” according to recommendations issued by participants at the meeting organized by the UN Educational, Scientific and Cultural Organization. (UNESCO) “These peoples and their institutions have immense creativity and seek to advance the self-determination, prosperity and aspirations of their communities and their regions,” they added.

The recommendations of the group include establishing “a working/advisory group to develop dialogue and strategy on the challenges of climate change for circumpolar indigenous peoples, including safeguarding intangible heritage and building synergies between indigenous and scientific knowledge.”

Other objectives range from promoting employment opportunities through the conservation of traditional activities to improving the access of researchers to exclusive economic zones in the Arctic area. Participants at the meeting included representatives of the Russian Association of Indigenous Peoples of the North (RAIPON), the Inuit Circumpolar Council (ICC), the Saami Parliament, the Arctic Council, UNESCO and the UN Environment Programme (UNEP).


This article reports that U.S. Secretary of State Hillary Clinton has said that the Obama Administration is committed to ratifying the United Nations Convention on the Law of the Sea. Clinton viewed the convention as the best way to resolve territorial claims over the Arctic seabed and that she would commit to a “high level of engagement” in negotiating future disputes.

The U.S. Geological Survey estimates the Arctic may contain as much as 25 per cent of the world’s untapped oil reserves.

Territory currently under dispute is an underwater mountain range known as the Lomonosov Ridge which Russia, Canada and Denmark are contesting as part of their continental shelves. Other long standing disputes between the US and Canada are Canada’s claim to sovereignty over the Northwest Passage and a border dispute in the Beaufort Sea. Canadian Foreign Affairs Minister Lawrence Cannon said that both parties do not wish to address the dispute instead preferring to focus on “areas of co-operation and mutual partnership, whether it be in
terms of search-and-rescue operations (in the Northwest Passage) or whether it be in terms of pollution prevention.”

Clinton also spoke about proposing new initiatives to fight “short-lived carbon forcers” (methane, tropospheric ozone and black carbon pollution caused by incomplete burning of fuels such as diesel) of Arctic warming at an Arctic Council summit in May 2009. “The warming of the Arctic has profound implications for global commerce, with the opening of new shipping routes” “ It raises the possibility of new energy exploration, which will, of course, have additional impacts on our environment.”

Available at:


New Arctic policy legislation introduced into Congress by U.S. Senator Mark Begrich has been welcomed by conservation groups. The package includes bills that would improve Arctic oil spill research and recovery, better coordinate scientific research and develop a long-term Arctic Ocean research plan. It would also improve the safety of Arctic marine shipping and ratify two international treaties that affect the Arctic: the Law of the Sea Treaty and the Persistent Organic Pollutants Treaty.

The legislation has met with approval from Pew Environment Group. "We applaud Senator Begrich for his leadership on Arctic Policy," said Marilyn Heiman, U.S. Arctic Program director for the Pew Environment Group…We believe that both a comprehensive science-based plan and United States’ ratification of the Law of the Sea Treaty are needed in advance of new industrial activity in the Arctic.”

Available at: http://www.pewtrusts.org/news_room_detail.aspx?id=54409Dflsk/dnf

110. Canada National Round Table on the Environment and the Economy (NRTEE), (2009) True North; Adapting Infrastructure to Climate Change in Canada’s North, Ottawa NRTEE

This report identifies adjustments that governments of circumpolar nations can make to improve building codes and standards, insurance mechanisms and disaster management planning as part of adapting to climate change. It makes policy recommendations over two broad areas:

- By making existing institutions work better by mainstreaming adaptation into government policies and processes and ensuring northern views are “at the table”.

- By building northern response capacity through enhancements in science and in the problem solving abilities of communities.

Available at:
Stubb, Alexander, “A New Arctic era and Finland’s Arctic Policy”, Keynote Speech in the 20th Anniversary Seminar of the Arctic Centre, September 29, 2009

Minister for the Foreign Affairs of Finland Alexander Stubb describes that it is of “crucial importance that the multi-lateral governance of the Arctic be strengthened.” He refers to the Illulissat Declaration signed by the five coastal states bordering the Arctic ocean in May 2008 as one of the “signs of strengthening cooperation” “emphasizing commitment to resolving the territorial disputes under international law, namely in the UNCLOS. I welcome the commitment of the US administration to ratify the UN Convention on the Law of the Sea.”

Regarding the Arctic Council, he feels it is apt to call it A8+ as it will include the voice of indigenous peoples of the Arctic.

The regional formations of Barents Regional Council and the Barents Euro-Arctic Council play a key role too.

Finnish Arctic Policy contains the following points of note for the Arctic:

- Further strengthening the Arctic Council as a global forum. The European Commission for example should be given observer status in the Arctic Council.
- The need for a stronger European Arctic policy is noted. Environmental challenges and economic potential have a direct relevance at the EU level. The EU’s recent communication “The EU and the Arctic Region” was an important step towards a more ambitious European Arctic Policy.
- Exploring Nordic approaches to the Arctic issues will lead to concrete Nordic joint action in the region such as establishing an international instrument on search and rescue in the Arctic.
- Finland are looking for opportunities to enhance their presence in the High North and research forms the basis of all Arctic activities.

Available at:


Background of Arctic Transform:

The Arctic Transform project is funded by the European Commission’s Directorate General of External Relations, engaging experts in five areas of discussion: indigenous peoples, environmental governance, fisheries, offshore hydrocarbon activities and shipping. This work is led by four institutes: Ecologic (Germany), the Arctic Centre (Finland), the Netherlands Institute for the Law of the Sea (Netherlands) and the Heinz Center (USA).
The goal of Arctic Transform is to develop transatlantic policy options for supporting adaptation in the marine Arctic environment with the objectives of promoting mutual exchange among US and EU policy makers on policies and approaches in the Arctic.

This paper conducts a policy overview of the legal instruments governing the Arctic marine area including bilateral and multilateral agreements, supra-national, national and sub national legislation and soft law arrangements.

International Agreements:

- The United Nations Convention on the Law of the Sea (UNCLOS) creates a legally binding framework for matters of jurisdiction and resource control for the entire marine environment. It specifies rules for coastal, flag and port states and prescribes principles for major ocean uses and marine environment protection. Two Implementation agreements are included – the Part XI Deep-Sea Mining Agreement and the Fish Stocks Agreement. Five Arctic states are party to it and reaffirmed their support for the law of the sea in the Ilulissat Declaration of 28 May 2008.

- The International Convention for the Prevention of Marine Pollution from Ships (MARPOL) is the main treaty governing ship based pollution. All eight Arctic states are party to it.

- The International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC) prescribes principles for responding to oil pollution accidents. All Arctic states are party to this, except the Russian Federation.

- The Espoo Convention requires states to integrate potential trans-boundary pollution into their environmental impact assessment procedure. All eight states have signed but Iceland, the Russian Federation and the U.S. have not yet ratified.

- The Convention on Biological Diversity (CBD) applies to the terrestrial environment and the entire marine environment within and beyond national jurisdiction. It has been ratified by all Arctic states except the U.S.

- The Stockholm Convention on Persistent Organic Pollutants (POPs Convention) acknowledges the threat of harmful substances to Arctic ecosystems and indigenous people and aim to protect human health.

- The Polar Bear Agreement aims to coordinate research activities, preserve habitat, and prohibits the ‘taking’ of polar bears except for scientific and indigenous subsistence purposes.

Regional level agreements:

- The Convention on the Protection of the Marine Environment of the North-East Atlantic (OSPAR) uses an ecosystem-based approach for the management of the North-East Atlantic marine environment, including the Atlantic section of the Arctic Ocean.

- Regional Fisheries management organizations (RFMOs) provide another example of regional cooperation, with several applying to the Arctic marine area.

Non-legally binding instruments:
The International Maritime Organization (IMO) Guidelines for Ships Operating in Arctic Ice-Covered Waters (Arctic Shipping Guidelines)

- The Food and Agriculture Organization (FAO) Code of Conduct for Responsible Fisheries.

Arctic Institutions:

The most important arctic institution is the Arctic Council that was created in 1996 by the eight Arctic nations as an intergovernmental forum for discussions on sustainable development and environmental governance in the Arctic. In 2004, the Arctic Council together with the International Arctic Science Committee (IASC) compiled the Arctic Climate Assessment (ACIA) which is considered the seminal policy document on the effects of climate change in the Arctic. The Arctic Council is further supplemented by a number of Working Groups focused on specific topic areas. The Arctic Council however, is limited by the fact that it can only issue non-legally binding guidelines and recommendations.

Shortcomings of the current policy framework:

The existing governance framework does not adequately address the rapid changes underway in the Arctic. No governance body in the Arctic possesses a mandate to adopt and enforce a comprehensive set of legally binding rules for the entire Arctic marine area. UNCLOS sets up a general governance framework but relies on global and regional sectoral institutions to implement its provisions so there is a lack of integrated governance within and between states. Gaps also exist in certain regimes:

- New bilateral arrangements between Arctic Ocean coastal states are needed for the conservation and management of shared fish stocks. A large part of the Arctic marine area is not covered by any RMFO.

- There are no internationally binding rules for the prevention, reduction and control of pollution caused by offshore hydrocarbon activities. The emergency response infrastructure is inadequate for quickly responding to incidents caused by offshore hydrocarbon activities.

- There is no discharge, emission or ballast water exchange standards specifically adopted for the Arctic marine area. Key navigation controls are missing. There are no internationally legally binding construction, design, equipment and manning standards specifically tailored to the Arctic marine area. A regional agreement on search and rescue has yet to be adopted by all participating states. Existing agreements on monitoring, contingency planning and preparedness for pollution incidents do not cover the entire Arctic marine area or do not include the participation of all Arctic Ocean coastal states.

- Not all Arctic states are parties to the relevant instruments and many of the instruments are voluntary in nature. The Arctic Council does not have the authority to adopt and enforce legally binding rules and compliance is voluntary. Relevant regional data and scientific knowledge cannot be adequately coordinated among relevant actors. In addition scientific efforts concentrate on specific issues and little attention is given to interdependencies and cause-and-effect relationships.

Policy options for Environmental Governance:

The report recommends governance strategies which take into account natural systems and human activities in a holistic and integrated manner. Cross-sectoral policy options could be implemented in four ways:
- Relevant actors could establish new complementary issue or sector specific instruments and institutions.

- Relevant actors could engage in multilateral negotiations to modify institutions and instruments.

- The Arctic Council could serve as a coordinator in the negotiations.

- State actors could negotiate an overarching legally binding regional instrument.

Strategies for the foundation of a governance framework could include:

- Ecosystem-Based Management (EBM) is widely regarded as best practice of international environmental governance and is part of the EU Commission’s Arctic Communication and the U.S. Presidential Directive on Arctic Region Policy. The Arctic Council is suggested for the role of coordinator.

- Marine Protected Areas (MPAs) could be designated either independently or as part of a larger EMB framework.

- Research and monitoring could be coordinated between States and incorporate indigenous knowledge also.

A legal basis could be found in UNCLOS. Article 123 calls on states bordering enclosed or semi-enclosed seas to cooperate through an “appropriate regional organization” regarding marine resources, preservation of the environment and scientific research.

EU Policy Options:

Although the EU is not an Arctic Ocean coastal state, the Integrated Maritime Policy released in October 2007 outlined principles and action items for maritime governance which could be relevant in the marine Arctic. The EU could also contribute experience for managing large marine ecosystems (LMEs) across states. The EU could also take the lead in pushing for an Arctic Ocean Assessment.

Transatlantic Policy Options:

In November 2008, the European Commission issued its Arctic Communication, which laid out EU policy objectives in a number of different areas including environmental protection, indigenous peoples, sustainable use of resources and international governance options. In January 2009, the U.S. adopted the Presidential Directive on Arctic Region Policy. Both reports: affirmed their commitment to the law of the sea framework. Both indicated a preference to work within existing frameworks rather than create a new legal treaty. Both recognized the threat posed to indigenous communities. Both indicated a commitment to greater cooperation in scientific research and monitoring. Both highlighted the need for greater coordination on matters of safety and emergency response. Finally, both have experience with EBM and could push for their wider application in transboundary Arctic marine governance.

Policy Options related to Indigenous Peoples:

Indigenous communities have used litigation in domestic and international courts to press for climate change mitigation. Human rights instruments provide opportunities for treating climate change issues as human rights violations. Another strategy is to seek special recognition under the UNFCCC to acknowledge their unique vulnerability and to gain access to adaptation funding under the UNFCCC. Indigenous communities could also seek an enhanced role in other relevant governance agreements such as the Polar Bear Agreement.
EU Policy Options:

Recent EU policy statements indicate increased sensitivity to its relationship with indigenous communities. The October 2008 resolution of the European Parliament emphasized that the involvement and active participation of indigenous peoples. The European Commission’s Arctic Communication recognizes that Arctic indigenous communities are “particularly vulnerable to the increasing pressures of climate change and globalization.” The Arctic Communication also addresses whaling and sealing and how the EU should engage “Arctic indigenous peoples in a regular dialogue” regarding these issues. However, the decision to ban the import of seal products in May 2009 could cause conflict. The conclusion of the Nordic Saami Convention could also facilitated by the EU.

Transatlantic Policy Options: The U.S. and EU could collaborate under the auspices of the Arctic Council. Both should propose that the ACIA be updated in a process similar used by the IPCC for its assessment reports and also incorporate indigenous traditional livelihoods. An assessment of vulnerability and adaptation in the Arctic could be in the Arctic could be jointly supported. Both should also recognize and promote indigenous participation in any future forum or mechanism.

Evaluation and assessments of national and sub-national climate-change adaptation strategies across the Arctic should take place and could be launched as a pilot project under the Arctic Council. An Indigenous Rights Review Working Group under the Arctic Council could also examine the legal and institutional barriers to adaptation.

Policy options for Fisheries Management:

The retreat of Arctic sea ice is opening up new parts of the Arctic Ocean to fishing vessels and certain marine species are migrating north. Potential policy options should include: a freeze on the expansion of commercial fishing in the Arctic until adequate assessments of potential impacts on target and non-target species and livelihoods of indigenous peoples; a declaration that relevant principles of the Fish Stocks Agreement, the UNGA Resolutions and conservation and management measures drawn from regional fisheries management organizations (RFMOs) would apply to new and existing fisheries in the Arctic marine area; initiatives for developing mechanisms similar to EIA or SEA for new fisheries in the Arctic marine area; one or more RFMOs for species other than tuna and tuna-like species. These options would require bilateral or multilateral consultations.

EU Policy Options:

Vessels from EU Member States could be directed not to engage in fishing until certain measures are made within the Arctic marine area. This could be complemented by a prohibition on certain catches being landed, transshipped, processed or packaged in Community ports. Finally, the EU could stimulate research in fisheries.

Transatlantic Policy Options:

Arctic Ocean coastal states should adopt individual regulations on fishing activities within their own maritime zones. The EU and the U.S. could coordinate their efforts and expand the geographical scope and relevance of any adopted regulations. The US Senate adopted a joint resolution directing the U.S. to initiate international discussions regarding a prospective agreement for managing migratory and transboundary fish stocks but no negotiations have yet commenced. Both the EU and the U.S. should consider cooperating by means of a joint and harmonized approach towards supporting or initiating the various individual, regional and global policy options with other relevant international bodies such as the Arctic Council, FAO, ICES and various RFMOs.

Policy Options for Offshore Hydrocarbon Activities:
There is no global instrument to regulate offshore hydrocarbon activities nor is there any governance body with such a mandate.

UNCLOS sets out the basic rules on access to and control over offshore hydrocarbon resources and the mandate of the International Seabed Authority (ISA). MARPOL, the OSPAR Convention, OPRC and the Espoo Convention can also offer limited applicability. The Arctic Council’s Arctic and Offshore Oil and Gas Guidelines could fill the gap if put into practice by the Arctic states. They were adopted in 1997, revised in 2002 and again in 2008 and adopted in the Ministerial meeting in April 2009. They provide recommendations on standards, technical and environmental best practice, management policy and regulatory control for Arctic offshore oil and gas operations. The approach is precautionary taking a polluter-pays viewpoint and sustainable development principles. The guidelines are not legally binding which leaves the states with a wide margin of discretion in their implementation. Potential policy options include: developing legally binding regulations based on the Arctic Offshore Oil and Gas Guidelines, the OSPAR Convention and the relevant acts of the OSPAR Commission; ensuring that the those regulations are supported and implemented by an institutional component which achieves full coverage of the Arctic marine area; developing a regional agreement on contingency planning and emergency preparedness for incidents involving offshore hydrocarbon activities that establishes a body mandated to implement standards and provides for adequate investments in infrastructure.

EU Policy Options:

Norway and Russia are the main energy suppliers to the EU and the EU Northern Dimension (ND) policy adopted in 1999 created an institutional framework for cooperation between the EU and its neighbours. The EU could: strengthen cooperation within the existing ND policy framework; provide financial assistance and facilitate investment in the hydrocarbon infrastructure and development in the Arctic marine area; cooperate with offshore oil and gas producing nations to adopt effective mechanisms for the implementation of the Arctic Oil and Gas Guidelines; facilitate information sharing about best practices in developing offshore oil and gas resources between EU Member States and the five Arctic coastal states.

Transatlantic policy options:

The U.S. is a key actor involved in offshore hydrocarbon extraction while the EU does not have state jurisdiction in the Arctic Ocean. With this in mind, sharing best practices, experiences, knowledge and other emergency measures in the event of pollution could help the EU and the U.S. to engage in transatlantic cooperation.

Policy Options for Shipping:

Due to the opening up of shipping lanes due to melting ice means that it is important to address the safety and environmental risks that expanded shipping will bring.

Regional and global policy options: Making the IMO Arctic Shipping Guidelines mandatory and possibly incorporating them into the International Convention for the Safety of Life at Sea (SOLAS). The IMO could pursue the adoption of special standards including: special discharge or emission standards for all of part of the Arctic marine area under MARPOL; special fuel content or ballast water treatment standards; one or more mandatory ships’ routing systems, in the form of a comprehensive Arctic Sea Lanes proposal; ship reporting systems; compulsory pilotage and icebreaker or tug assistance and special anti-fouling standards. The IMO could also designate the marine Arctic as a particularly sensitive sea area (PSSA) accompanied by a comprehensive package of associated protective measures (APMs).
At the regional level, Arctic states could: enter into legally binding agreements on monitoring, contingency planning and preparedness for pollution incidents, search and rescue and designating places of refuge, agreeing on a harmonized approach on enforcement and ensuring compliance by means of shared platforms; implementing the Convention for the Control and Management of Ships’ Ballast Water and Sediments (BWM Convention) and taking other action under Article 234 of UNCLOS.

Arctic port states could: develop strategies for port state control by ensuring intra-Arctic and trans-Arctic marine shipping is properly accounted for.

Arctic states in general could: address the need for hydrographic surveying and charting; consider the need to develop a regional liability regime; encourage the shipping industry to self-regulate by means of positive and negative incentives; urge the International Association of Classification Societies (IACS) to restrict the margin of discretion when setting out criteria for the operational capability and strength of steel ships and require the marine industry to promote compliance with the IACS Unified Requirements concerning Polar Class. States could also impose stringent standards on vessel and ballast water exchange standards or implement the IMO Arctic Shipping Guidelines into their legislation.

EU Policy Options:

The EU could unilaterally promote the following: hydrographic surveying and charting within areas of national jurisdiction and beyond; encourage self-regulation by the shipping industry; impose more stringent standards in vessels registered with EU Member States and implement the IMO Arctic Shipping Guidelines into EU legislation.

Transatlantic Policy Options:

If the EU and the U.S. implemented the IMO Arctic Shipping Guidelines, it could provide a catalyst for states and industry to act. The EU and the U.S. should consider coordinating through a joint and harmonized approach towards supporting or initiating the various unilateral, regional and global shipping options together with the relevant international bodies including the Arctic Council, IHO, IMO and the Paris and Tokyo MOUs on port state control. The EU and the U.S. could also open dialogue with Canada and the Russian Federation regarding the Northwest Passage and the Northern Sea Route.

Available at: http://arctic-transform.org/download/Options.pdf

113. The Sustainable Development Working Group (SDWG) Work Plan

Background of SDWG:

The Working Group on Sustainable Development (SDWG) was established by Arctic Ministers at the first Arctic Council Ministerial meeting, held in Iqaluit, Nunavut, Canada, September 1998. The objective of the SDWG is to protect and enhance the economies, culture and health of the inhabitants of the Arctic, in an environmentally sustainable manner. Currently the Sustainable Development Working Group is involved in projects in the areas of children and youth, health, telemedicine, resource management, cultural and ecological tourism, and living conditions in the Arctic.

Summary of SDWG Work Plan 2009-2011:
The purpose of the SDWG Work Plan below is to provide a framework for the work and priorities of the SDWG during the period 2009 – 2011 that complements the existing Ministerial Declarations, Sustainable Development Terms of Reference, SDWG Operating Guidelines, The Arctic Council’s Sustainable Development Action Plan (SDAP) and other emerging priority issues.

- Arctic Energy Summit (AES)[USA]
- Circumpolar Information Tool Kit on Minerals, and Oils and Gas for Indigenous People and Northern Communities [Canada]
- EALAT-Information: Reindeer herding, traditional knowledge and adaptation to climate change and loss of grazing land [Norway]
- Action Arctic ICT
- Arctic Stat
- Survey of Living Conditions in the Arctic [Denmark/Greenland/Faroe Islands]

In addition, the creation of the SDWG Arctic Human Health Expert Group (AHHEG) in 2007 will allow for better coordination of a number of ongoing projects and activities in relation to Arctic human health, including:

- International Circumpolar Surveillance: Prevention and Control of Emerging Infectious Diseases in the Arctic (ICS)
- Arctic Human Health Initiative (AHHI)
- Advancing Alcohol & Drug Abuse Treatment in the Circumpolar North
- Research & Action Plan for Human Health Risk Reduction in the Arctic

Available at:


This article gives support to the decision by the North Pacific Fishery Management Council, a decision-making body that helps manage fisheries in federal waters off the coast of Alaska to recommending closing approximately 195,000 square miles of US ocean to fishing, an area the size of Spain. The North Pacific Fishery Management Council recommended against opening up large parts of the US Arctic Ocean to commercial fishing, unless and until a plan can be developed that shows it can occur without damaging the health of the marine ecosystem or harming the subsistence way of life of native peoples who live there.

Available at: http://www.pewtrusts.org/news_room_detail.aspx?id=49050
Obama officials released the Interagency Ocean Policy Task Force Interim Report for a 30 day public review and comment period. This was created by Presidential Memorandum on June 12th to develop a national policy for the ocean, coasts and the Great Lakes. The Task Force consists of 24 senior level officials from Administration agencies, departments and offices and is led by Nancy Sutley, the White House Council on Environmental Quality Chair. The report consists of proposals for a comprehensive national approach to uphold the US’s stewardship responsibilities and ensure accountability for their actions. It has been hailed a positive thing. The report, according to Sutley, “delivers on President Obama’s request for recommendations that will move this country towards a more robust national policy for our oceans, coasts and the Great Lakes and recognises that we have a responsibility to protect the oceans and coasts for the benefit of current and future generations.” Dr. Jane Lubchenco, Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration echoes this stating that the report is “historic..we as a nation say loudly and clearly that healthy oceans matter.”

The report itself highlights three key areas:

- A new national policy is proposed to recognize that America’s stewardship of the ocean, coasts, and the Great Lakes is linked directly to environmental sustainability, human health and well-being, national prosperity, adaptation to climate and other environmental change, social justice, foreign policy and national and homeland security.

- A robust governance structure is proposed, including a stronger mandate and direction and renewed and sustained high-level engagement. Under the proposal, the White House Council on Environmental Quality and the Office of Science and Technology Policy would lead an interagency National Ocean Council to coordinate ocean-related issues across the Federal Government and the implementation of the National Ocean Policy, ensuring the issues are priority throughout the Federal Government.

- The report prioritizes nine categories for action, including ecosystem-based management, regional ecosystem protection and restoration, and strengthened and integrated observing systems, that seek to address some of the most pressing challenges facing the ocean, the coasts and the Great Lakes. This will essentially link the national policy to ‘action on the ground’.

Available at:


In this article, the author argues that appreciation of the long history of the Arctic within global environmental history may help to provide lessons for policy makers to help mitigate risk to biodiversity and human life in the Arctic. Furthermore, it will help them to support indigenous self-determination, resource conservation and environmental stewardship.
The Arctic is traditionally viewed as an isolated, undisturbed barren harsh environment but this article argues that the Arctic shows human settlement evidence from over 30 thousand years ago and since then, the indigenous groups have constructed and maintained sustainable hunting and sea based economies. European colonisation, the Russian fur trade, and increased military presence from Canada, the US and Russia has altered the Arctic landscape contributing to indigenous cultural eradication. Infectious diseases brought by European traders, missionaries and settlers spread across Siberia from west to east. The establishment of the North Atlantic Treaty Organisation (NATO) in 1949 saw nuclear tipped missiles ready to launch from beneath Arctic silos.

On April 9, 1941 the “Greenland Treaty” was signed between the US and Denmark. The agreement effectively recognised Copenhagen’s sovereignty over Greenland in exchange for U.S. rights to licence and use Greenland territories to establish military bases and conduct military operations as it may wish. Both Russia and the U.S. have arctic submarines beneath the ice. The Soviets have used Arctic waters as nuclear testing grounds and dumping basins. Mikhail Gorbachev called for “a radical lowering of the level of military confrontation in the region.” The Russian Federation and the United States have both significantly reduced their nuclear arsenals since the height of the Cold War, however their “thermonuclear weapons are so extraordinarily lethal that each nation still retains sufficient capacity to obliterate the other many times over.” An updated revision of nuclear activity is recommended by Greenburg similar to what Gorbachev proposed.

Summary:

For the past twenty thousand years, the Arctic has been a focal point and bridge for global human migration throughout the Americas.

For the past eleven thousand years, the settlement and habitation of Arctic lands by diverse indigenous peoples took place and the use of the region’s animals, plants, and marine resources.

For the past thousand years (1000 to 2000) the physical and human environment of the Arctic has been shaped and exploited by European based explorers, traders and settlers.

For the past sixty years, the Arctic has witnessed continued expansion of each Arctic littoral state nation-state of sovereignty, territorial control, legal jurisdiction and military activity, the identification of new sites, deposits and forms of valuable natural resources in areas of expanded sovereign control; the investment of private and public capital; and the application of current engineering technologies, to extract the resource for sale on world commodity markets until the resource is depleted, continued encroachments on the traditional cultural and economic sustainability of aboriginal peoples, continued deterioration of Arctic wildlife biodiversity (both flora and fauna), the contamination of the natural ecosystems throughout the circumpolar region, and the extremely harmful impact of environmental degradation and persistent organice pollutant accumulation on the region’s aboriginal peoples.

The Arctic has also seen nuclear proliferation, climate-related changes to Arctic ecosystems, including the release of huge quantities of methane from melting permafrost, the elimination of summertime polar ice and the retreat of the Greenland icesheet. New and extended claims to sovereign territorial and economic rights by each littoral state to vast resources-rich maritime marine areas. The development of new insitutions, mechanisms and processes of regional environmental planning, governance and cooperation. Increased and unprecendented achievements in the recognition and exercise of self-determination by circumpolar aboriginal peoples including the establishment of the Inuit Circumpolar Council (ICC). As a cooperative organisation and parliament for Inuit people in Alaska, Canada, Greenland and Siberia, the establishment of the Nunavut self-government in 1999, the engagement of permanent
participation status in the Arctic Council by the ICC and five other trans-national Arctic indigenous organisations and the June 2009 assumption of self-rule by Greenland’s Inuit population.

Available at:


This address was given at ‘Mounting Tensions and Melting Ice: Exploring the Legal and Political Future of the Arctic’, Symposium hosted by the Vanderbilt Journal of Transnational Law in February 2009.

This address consisted of four parts, the second being devoted to “gaps in the legal regime” and the fourth “administration of the Arctic”. The following remarks are taken from the address.

- A distinction is made between “Governance gaps” and “Regulatory gaps”, the former referring to gaps in the international institutional framework including the absence of institutions or mechanisms at a global, regional or sub-regional level and inconsistent mandates of existing organizations and mechanisms. The latter refers to substantive and/or geographical gaps in the international legal framework, issues that are unregulated or insufficiently regulated at a global, regional or sub-regional level.

- Corell disagrees with the idea that the Arctic Council should be viewed as a “gap”

- The UNCLOS is a binding legal regime that applies in the Arctic and if the Arctic becomes navigable, the rules of that convention will apply

- The International Maritime Organization (IMO) and the Guidelines for ships operating in Arctic ice-covered waters approved by the Maritime Safety Committee and the Marine Environment Protection Committee in 2002

- It would be counter-productive to start elaborating a “new legal regime” for the Arctic as organizations of relevant treaties are currently supervising compliance

- What is needed is research, scientific data and political will

- The Arctic Council is not a “gap” rather an indispensable tool for coordination of policy decisions

- Establishing a coherent system of rules at international level is very difficult to coordinate

- The Ilulissat conference, the EU Arctic policy and EU Commission communication and the US Arctic policy are important documents in terms of administration of the Arctic

- There is a lot to be done in terms of administration of the Arctic but the Arctic Council is an appropriate venue to do so.

- The Arctic can serve as a catalyst to provide a setting of close cooperation in matters of concern to the entire state community.

Available at:

A decision that has been hailed by Pew Environment Group as “one of the largest preventative and precautionary measures in fisheries management history” has been voted into effect by The North Pacific Fishery Management Council (NPFMC) in the USA. The decision effectively prevents the expansion of industrial fishing in all U.S. waters north of the Bering Strait.

Available at:


This article assesses the Arctic’s legal regime and the role of international environmental law. Hertell states that international law stands ill prepared to protect the Arctic Ocean’s fragile marine environment and the disparate laws of the eight Arctic nations are not enough to prevent the overexploitation of the Arctic’s natural resources. Unsettled sovereign rights in many areas of the Arctic and state driven economic development has not been tackled properly by any international legal regime. Hertell feels that “the time for a binding Arctic Treaty is now.” (P.566)

Regarding the U.N. Law of the Sea Convention:

The 1982 U.N. Law of the Sea Convention is viewed as an overreaching framework for the protection of the Arctic environment. However, the most relevant provisions contained within Part XII titled Protection and Preservation of the Marine Environment are “unhelpful generalities” that lack legal teeth and remain largely unenforceable. It also restricts enforcement jurisdiction beyond the twelve nautical mile territorial sea where many of the offshore climate change threats are most prevalent. Other shortcomings in the treaty are its dispute settlement and environmental impact assessment procedures. These provisions are “poorly designed to guide states in activities involving both domestic and trans-boundary effects.” (p.573) Article 206 requires the assessment and reporting of activities causing ‘substantial pollution of or significant and harmful changes to the marine environment” but this broad wording fails to provide concrete guidance on when or how to conduct an assessment. The Convention has 320 articles and only one relates specifically to ice-covered waters and is “simply not tailored to the Arctic’s ecological conditions.” (p.573) Hertell feels that it should be viewed as a framework for a series of further treaties on marine environmental protection and its shortcomings may provide impetus for an Arctic Treaty to work in conjunction with it.

Regarding MARPOL:

Other binding treaties relevant to the protection of the Arctic marine environment are the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (“London Convention”) and the 1973/78 International Convention for the Prevention of Pollution from Ships (“MARPOL”) but according to Hertell, they have also faced “compliance, monitoring, and enforcement problems, particularly lax policing by flag states.” (p. 575)
MARPOL and its supervisory body IMO, do not have an effective process for dealing with non-compliance issues. There are opportunities under MARPOL for States to protect the Arctic through their designation of “Special Areas” however really fails to have been enforced.

Regarding Soft Law:

In terms of soft law, the Arctic Environmental Protection Strategy (AEPS) was concluded in 1991 by the eight Arctic nations. It imposes no legal rights or obligations. The Arctic Council was created for Arctic nations to discuss issues beyond the AEPS. Convoking every two years in an Arctic state, it has so far “failed .. in what matters most: carrying out, or at the very least coordinating, international action to redress Arctic environmental problems.” (p.578)

Another soft law instrument is the IMO’s Guidleines for Ships Operating in Arctic Ice-Covered Waters (Polar Guidelines) but remains as a “recommendatory” guideline. Hertell feels that the Arctic Council may form the invaluable foundation to “formalize an Arctic Council agreement, enshrine the mandates of the five working groups, add innovative features designed to address the particular needs of the Arctic, and give the whole arrangement a sustainable development focus.” (p.579)

Regarding Solutions:

Finally, Hertell examines the solutions offered to the problem. Some feel, existing instruments are enough including the Arctic Council’s Protection of the Arctic Marine Environment (PAME) who in a 1996 report, said that those instruments provide an ‘adequate basis’ for the protection of the Arctic marine environment and perceived no need to develop further legislation. PAME underlined a need for the existing legal framework to be ratified, implemented and acted in accordance. In 2008, the Arctic Conference’s Ilulissat Declaration stated that existing laws provide a ‘solid foundation’ for responsible management and there is “no need to develop a new comprehensive international regime to govern the Arctic Ocean.” (p.581) Furthermore, negotiating a binding Arctic Treaty could risk crystallising “lowest common denominator standards.” And thus may end up producing weaker commitments than a ‘soft law’ regime where states may take on more substantive and innovative commitments.

On the other side of the coin, proponents of a treaty argue that “a comprehensive ecosystem-based treaty is called for by “the intertwined nature of challenges such as managing increasing shipping and oil and gas development on the one hand, and conserving fisheries, marine mammals, sea birds and habitat, on the other.” (p.585) Affirming that “the laws currently in place fail to safeguard the environment and that no amount of implementation can replace an enforceable Arctic-tailored treaty. “ The circumstances in the Arctic demand binding action and the permanent and powerful nature of strict environmental controls are required to withstand ‘short-term political and economic swings’.

Regarding the Antarctic Treaty:

Next, Hertell argues why the Antarctic Treaty system model would not work when looking at constructing a binding treaty for the Arctic. Firstly, different sovereignty situations govern the opposing poles. The Antarctic has no territorial claims, no military activity and peace and freedom of scientific research have been embraced as governing principles. The environment in the Antarctic has been devoted to conservation. A similar covenant could not be fulfilled in the Arctic as important national military, commercial and subsistence activities prevent it from being a protected common area.

The positive upshot of this combination of national laws is that it could potentially, allow for stronger environmental protection measures than those afforded by purely international
instruments. However, he warns “sovereignty is not to be used a trump card, ad domestic reforms should proceed vigorously. Sovereign management .. compels duties of sustainable development under international law norms while providing opportunities for stronger domestic legal measures.” (p.585) It is important that a balance be struck between nations rights and imposing environmental standards on the other. A binding treaty with regulatory burdens may seem difficult for nation states but inaction will bring “the imminence of a tipping point in the history of the Arctic”. (p.586)

Regarding a new Arctic Treaty:

Hertell proposes what form the Arctic Treaty should take and proposes a “general framework treaty based on a regional model with issue-specific annexes or protocols”. A regional rather than global approach should be the aim of the eight-party talks. He cites the U.N. Environment Program (UNEP) regional seas agreement program is a successful and available model of a regional approach to marine environmental protection.

The pressures of global climate change demand a framework agreement with issue-specific annexes or protocols. Provisions within the framework should be concrete, define important terms and provide an accurate geographical scope of “Arctic Treaty Area” and explicitly refer to existing legal instruments like the LOSC which will form an intrinsic part of the treaty. A section of the treaty should be devoted to ensuring that minimum standards and norms are vigorously applied to state behaviour by adopting IMO-administered conventions. Due consideration must also be given to regulating the seas beyond flag-state control. The LOSC’s environmental duties should govern the Arctic area beyond national jurisdiction. The International Seabed Authority should overlook rules and standards regulating mining activities on the deep seabed in the high seas of the Arctic. The Arctic Council should be formalized as the permanent treaty secretariat. Majority voting procedures should generally govern adoption of measures and consensus voting for sensitive sovereign issues, such as extractive rights to natural resources and military uses of the ocean may be a realistic negotiable outcome.

Issue specific annexes nd protocols should establish common environmental standards, in particular for shipping, fishing, oil and gas, and emergency response and preparedness. Hertell proposes a protocol regulating mineral activities, particularly oil and gas which would account for greenhouse gas contribution later in the supply chain. Two other important issues which require specific protocols are dispute settlement and environmental impact assessment procedures. The LOSC offers dispute settlement under the International Tribunal for the Law of the Sea. This however, needs to be simplified and needs to “limit the escape valve of state consent”. The majority of disputes could be heard under a forum such as the ITLOS. Finally, an EIA annex or protocol should be formulated to address the unique ecological conditions in the Arctic pursuant to the Arctic Council’s EIA Guidelines.


This framework for Coastal and Marine Spatial Planning (CMSP) provides a definition of CMSP, identifies the reasons behind the policy and describes the geographic scope. It articulates the goals and guiding principles and the eventual development and implementation of coastal and marine spatial (CMS) plans. It also describes how those plans will be regional at first then developed cooperatively among Federal, State, tribal, regional and local authorities.
The report explains that the CMS Plans would be implemented in accordance with customary international law, including the Law of the Sea Convention and any treaties and international agreements to which the United States is a party. Any development of the plans and implementation will be consistent with the extent to which the United States exercises its rights and jurisdictions and performs duties in its territorial sea, EEZ and continental shelf. The CMS Plans would not change the rights, duties and jurisdiction of the United States under international law, including with respect to navigational rights and freedoms.

Available at:


121. U.S. Presidential Directive on Arctic Region Policy, NSPD-66 / HSPD-25

This directive establishes the policy of the United States with respect to the Arctic region and directs related implementation actions.

Current US policy:

- Meet national security and homeland security needs relevant to the Arctic region;
- Protect the Arctic environment and conserve its biological resources;
- Ensure that natural resource management and economic development in the region are environmentally sustainable;
- Strengthen institutions for cooperation among the eight Arctic nations (the United States, Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, and Sweden);
- Involve the Arctic's indigenous communities in decisions that affect them; and
- Enhance scientific monitoring and research into local, regional, and global environmental issues.

Regarding International Governance:

- 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. As the Arctic changes and human activity in the region increases, the United States and other governments should consider, as appropriate, new international arrangements or enhancements to existing arrangements.
- The Arctic Council has produced positive results for the United States by working within its limited mandate of environmental protection and sustainable development. Its subsidiary bodies, with help from many United States agencies, have developed and undertaken projects on a wide range of topics. The Council also provides a beneficial venue for interaction with indigenous groups. 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.

- 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.

- The Senate should act favorably on U.S. accession to the U.N. Convention on the Law of the Sea promptly, to protect and advance U.S. interests, including with respect to the Arctic. Joining will serve the national security interests of the United States, including the maritime mobility of our Armed Forces worldwide. It will secure U.S. sovereign rights over extensive marine areas, including the valuable natural resources they contain. Accession will promote U.S. interests in the environmental health of the oceans. And it will give the United States a seat at the table when the rights that are vital to our interests are debated and interpreted.

- Implementation: In carrying out this policy as it relates to international governance, the Secretary of State, in coordination with heads of other relevant executive departments and agencies, shall:

  - Continue to cooperate with other countries on Arctic issues through the United Nations (U.N.) and its specialized agencies, as well as through treaties such as the U.N. Framework Convention on Climate Change, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on Long Range Transboundary Air Pollution and its protocols, and the Montreal Protocol on Substances that Deplete the Ozone Layer;

  - Consider, as appropriate, new or enhanced international arrangements for the Arctic to address issues likely to arise from expected increases in human activity in that region, including shipping, local development and subsistence, exploitation of living marine resources, development of energy and other resources, and tourism;

  - Review Arctic Council policy recommendations developed within the ambit of the Council's scientific reviews and ensure the policy recommendations are subject to review by Arctic governments; and

  - Continue to seek advice and consent of the United States Senate to accede to the 1982 Law of the Sea Convention.

Available at: [http://www.fas.org/irp/offdocs/nspd/nspd-66.htm](http://www.fas.org/irp/offdocs/nspd/nspd-66.htm)


Adopted by the President of the Russian Federation D. Medvedev, September 18, 2008, the policy is a comprehensive plan for the Russian Arctic. Provisions address national interests in the Arctic, the Arctic as a strategic resource base, problems and means of implementing the state policy, environmental protection, national security issues and peace and cooperation with other Arctic states.

Link: (in Russian)

English translation available at:


The Arctic is undergoing rapid and dramatic environmental and social transformations due to climate change. This has ramifications for the entire planet, as change spreads through interconnected global networks that are environmental, cultural, economic and political. Today, with the major thrust of research shifting away from deciphering causes and monitoring trends, the central preoccupation of a growing circle of actors has become the exploration of strategies for responding and adapting to climate change.

But to understand the far-reaching nature of climate change impacts and the complexities of adaptation, a truly interdisciplinary approach is required. Unique in the UN system, UNESCO brings together the domains of natural sciences, social sciences, culture, education and communication. Given this broad mandate, UNESCO favours integrated approaches for monitoring and adapting to climate change in the Arctic, fostering dialogue among scientists, circumpolar communities and decision-makers.

This book brings together the knowledge, concerns and visions of leading Arctic scientists in the natural and social sciences, prominent Chukchi, Even, Inuit and Saami leaders from across the circumpolar North, and international experts in education, health and ethics. They highlight the urgent need for a sustained interdisciplinary and multi-actor approach to monitoring, managing and responding to climate change in the Arctic, and explore avenues by which this can be achieved.

Available at:

http://publishing.unesco.org/details.aspx?&Code_Livre=4722&change=E#


There is no dispute over Canada’s claim to their Arctic territory but an ice-free arctic could mean that Canada’s claim to the waters of the Northwest Passage be superseded by events. The author recommends a regional approach to regulation, which is provided for in the IMO standards. He recommends that the Arctic nations “strive for agreement on even tougher and more enforceable environmental standards for the ice and waters of the North Pole.”

Available at:


The sixth annual symposium of the International Foundation for the Law of the Sea (IFLOS) held in Hamburg, Germany on 27 September 2008, focused on the impact of climate change on
the arctic environment, the identification of possible international disputes and opportunities for cooperation in the region.

Dr. Aldo Chircop of the Marine and Environmental Law Institute, Dalhousie Law School, Halifax, Canada outlined the legal issues of maritime transportation in the Arctic. He argued that the international legal framework is insufficient to protect the fragile coastal and marine environment in the Arctic because the relevant treaties do not apply to the full range of vessels navigating the region or to navigation in ice-free waters. Since the arctic coastal states unanimously object to the idea of a new regional treaty for the Arctic, the answer for future governance of shipping in the Arctic could be a convergence of IMO standards, Arctic Council-facilitated bilateral and multilateral arrangements and national regulatory regimes under UNCLOS. Art.234.

Dr. Agustin Blanco-Bazan, Legal Affairs, IMO spoke about the mandate of the IMO to adopt international rules on safety of navigation and prevention of marine pollution. The customary legal framework of IMO was amended by the recommendatory Guidelines for Ships Operating in Arctic Ice-covered Waters (IMO Guidelines). He also argued that Art.234 of UNCLOS should in no way contradict or overlap the shipping rules and standards contained in IMO treaties.

Dr. Christian Reichert gave a presentation on the determination of the outer limits of the continental shelf and the role of the Commission for the Limits of the Outer Continental Shelf (CLCS). He reviewed the coastal States’ right to claim an extended continental shelf seaward of 200 nautical miles from the shore according to Art. 76 of UNCLOS and focused on the difficulty applicants have to overcome such differing methods of delimitation. A crucial question is whether or not Russia can succeed in proving that the submarine features are ridges that do not belong to the North American or Eurasian continental shelf.

Dr. Vladimir Golitsyn, an ITLOS judge emphasized that the term “claim” with regard to the rights of coastal states to the continental shelf is not right and should be avoided, because a State’s titles to an extended continental shelf as the natural continuation of its territory constitutes an inherent right. He also said that the procedure of applying to the CLCS was flawed due to lack of procedure for States to give new scientific data in the case of a negative recommendation.

Dr. Dolliver Nelson, an ITLOS judge, examined the dispute-settlement mechanisms which apply to conflicting outer continental shelf claims. He emphasized the absence of legal mechanisms a State faced if it established outer limits of its continental shelf contrary to the recommendations of the CLCS in cases where no other State is directly affected. To compensate, he recommended the authorization of third party States to protect the area as the common heritage of mankind, compliance with which could be demanded by the international community.

Dr. Oran Young argued that arctic governance should not be limited to the arctic States and that the participation of environmental NGOs and sub-national government is essential. He also underlined the advantages of informal agreements over legally binding agreements.

Dr. Alf Hakon Hoel argued that promoting the further development of and effective implementation of the existing comprehensive legal system for the Arctic based on UNCLOS as well as regional and international treaties dealing with resource management, environmental protection and economic activities. He also considers it the Arctic Council’s responsibility to promote the development of strategic plans and guidelines and to build a common understanding among stakeholders.

During the October 2008 election, Canadian Prime Minister Stephen Harper said that of Canadian sovereignty: “Canada has a choice when it come to defending our sovereignty in the Arctic; either we use it or lose it”. The author responds to this statement with this article. Canada’s rights in its Arctic territories are enshrined in international law and Canadian domestic law. The Northwest Passage is however, a matter of contention. Canada relies on two main arguments to support their view. The first is that the channels of the Northwest Passage are internal waters contained within a territorial sea baseline that encompasses the whole of the Arctic Archipelago giving Canada the right to control shipping. The second, is that UNCLOS 234 gives coastal states the rights “to adopt and enforce … laws and regulations for the prevention, reduction and control of marine pollution form vessels” in the ice-covered regions of their exclusive economic zones.” A more open stance however, that permits transit passage through the Arctic Archipelago, coupled with enforceable measures to ensure navigational safety, international security, and environmental protection, would actually enhance Canada’s authority in this area. The author concludes that the phrase ‘use it or lose it’ is misleading and unrealistic.

Available at: http://lawreview.vermontlaw.edu/articles/v34/1/macnab.pdf


Science and technology offer an opportunity to develop strategies to protect those living in the Arctic from threats to human security brought about by climate change. It is suggested that science can play a significant role in addressing human security needs and protecting environmental, social, and economic conditions in the Arctic. In this paper, Canada’s Science and Technology (S&T) strategy is assessed using Organization for Economic Co-operation and Development (OECD) quality of life indicators to measure the ability of S&T to meet those needs.

Available at: http://www.springerlink.com/content/gn62039w24v24132/fulltext.pdf


This article provides an assessment of the Arctic Council and regional ocean governance arrangements and challenges. The article examines whether the Arctic Council is facing a threat of being supplanted by other forms of governance. It acknowledges that the Council will continue its track of being a discussion and catalytic forum rather than a regulatory or decision-making entity.

It will study how resistant the Arctic Council, and its predecessor the 1991 Arctic environmental protection strategy, are to change in order to understand whether the council could renew itself to meet future challenges. It will also examine the various proposals for Arctic governance set out by states, the EU and the region’s indigenous peoples. All this will permit conclusions to be
drawn on where the Arctic Council stands amid all these proposals and whether, and in what way, it should change to support more sustainable governance in the Arctic.

Available at:

129. Shell, Chukchi Sea Regional Exploration Oil Discharge Prevention and Contingency Plan (May 2009)

Shell’s Chukchi Regional Exploration Oil Discharge Prevention and Contingency Plan illustrates some of the current legal requirements in the USA and their plans to meet those in the event of a blowout in oil exploration. Shell is the only company to have made a proposal for drilling in the Chukchi and their proposal is for exploratory drilling, rather than production. The plans are therefore subject to different requirements than those for producing wells. US regulations require an exploratory drilling operation to calculate a worse-case discharge scenario lasting thirty days, and to provide a response plan for that scenario. In this report, Shell lays out their methods of containing a blowout.

Available at:


The Arctic Report Card is an environmental report on the state of the Arctic prepared by a team of international scientists and peer reviewed by the experts from working groups of the Arctic Council, Climate Experts Group (AMAP) and supported by the Conservation of Arctic Flora and Fauna (CAFF). The report is issued annually and tracks important environmental changes in the Arctic including atmosphere, sea ice, land, ocean temperatures and marine life and biology.

The full Arctic Report Card for 2009 is available here:

Previous years are also available:

Arctic Report Card 2008
Arctic Report Card 2007

State of the Arctic Report 2006

Available at: http://www.arctic.noaa.gov/reportcard.

131. PAME, Arctic Offshore Oil and Gas Guidelines, Arctic Council 2009.

The Arctic Council Working Group PAME completed the third version of the Arctic Offshore Oil and Gas Guidelines (AOOGG). These Guidelines recommend voluntary standards;
technical and environmental best practices, management policy, and regulatory controls for Arctic offshore oil and gas operations.

Available at:

http://arctic-council.org/filearchive/Arctic%20Offshore%20Oil%20and%20Gas%20Guidelines%202009.pdf


This bilateral agreement concerns the management of joint stocks in the Barents Sea for 2010 and sets quotas for both Norway and Russia. The quotas are “in line with a cautionary approach and safely within sustainable limits”.

Available at:


133. Staatsministeriet, Greenland Act on Self-Government, Act no. 473 of 12 June 2009

The Danish Parliament has passed the following Act:

Recognising that the people of Greenland is a people pursuant to international law with the right of self-determination, the Act is based on a wish to foster equality and mutual respect in the partnership between Denmark and Greenland. Accordingly, the Act is based on an agreement between Naalakkersuisut [Greenland Government] and the Danish Government as equal partners.

Available at: http://www.stm.dk/multimedia/GR_Self-Government_UK.doc

This article discusses the twin dangers of global economic collapse and global warming. The National Snow and Ice Data Center has reported that we may be witnessing the death spiral of the Arctic, which would leave the North Pole ice-free by 2013. However, unsustainable business practices such as buying imported oil may be melting financial stability even further. The solution, according to Lovins, is “to unleash a new energy economy.” This economy could set off “the greatest wave of prosperity since World War II” and create millions of jobs revitalizing local communities and offer investment opportunities for Wall Street. In 2007, Goldman Sachs found that companies that are leaders in environmental, social and good governance policies outperformed the MSCI world index of stocks by 25 percent since 2005. In 2008, the Economist Intelligence found that the worst performing companies in the economy were most likely to have no one in charge of sustainability.

According to Lovins, by combining efficiency programmes with renewable energy, a new energy economy of clean manufacturing and good jobs would be created. A 2008 study by the University of California found that the state could achieve 100 per cent of the greenhouse gas emission reduction targets as mandated by the state’s Global Warming Solutions Act in 2006 and that in addition to that, the gross state product would be increased by about $76 billion, real household incomes increased by about $48 billion and as many as 403,000 new efficiency and climate action driven jobs created.

Available at: 


A row over hunting rights and hunting quotas has broken out between Canadian Inuit and environmentalists. Native people on both shores of Baffin Bay kill and eat the polar bear population, which environmentalists say is in decline. Canadian scientists have recommended that the winters hunt be limited to 64 but the Nunavut Wildlife Management Board – an Inuit controlled body – has set the number to 105. Greenland added another 68 which almost triples the recommended amount. Both Nunavut and Greenland are relatively new to the business of self-governance. Denmark granted home rule measures in 1979 and Nunavut was established in 1999 along with a sweepingly powerful Land Claims agreement. The fact that the Baffin polar bear population crosses a national boundary suggests the need for the input of the Canadian government or “co-management boards”. However Mr. Quillaq who chairs the Kannigiquaapik Hunters and Trappers is quoted as saying “We live here so we know what’s really going on in the north, We can hunt anytime we want, anywhere we want, no matter what anybody says.”


EU policymakers have called for a carefully managed international effort to exploit the Arctic’s oil and gas resources and have said that the vast untapped reserves could enhance Europe’s
energy security. The European Commission is concerned about the risk of sharp rivalries among global powers in a region that is not governed by a specific international treat regime and where no single country has sovereignty over the North Pole or the ocean around it. They have therefore demanded observance of the highest environmental standards and appealed for the full protection of the rights of indigenous Arctic peoples. They are also calling for the ban of all fishing in the region until conservation and management rules have been established. Their Arctic initiative proposes that the EU engage in long term co-operation with other countries with Arctic interests, particularly Norway and Russia.


The legal adviser to the U.S. Department of State made a statement regarding US interests and policy regarding the Law of the Sea Convention. “The Convention strongly advances U.S. national security interests because it guarantees our military and commercial vessels both ships and aircraft navigational rights and freedoms throughout the world’s oceans, including the right of innocent passage through and over foreign territorial seas and international straits.”

Second, the Convention advances U.S. economic interests. It would codify U.S. sovereign rights over all the resources in the ocean, and on and under the ocean floor, in a 200-nautical mile Exclusive Economic Zone off our coastline. The United States has one of the longest coastlines and the largest Exclusive Economic Zone of all the countries in the world and stands to gain greatly from these provisions. The Convention also codifies sovereign rights over resources on and under the ocean floor beyond 200 nautical miles, if the area meets certain geological criteria set out in the Convention. The Convention establishes an institution -- the Commission on the Limits of the Continental Shelf that offers a coastal State the opportunity to maximize international recognition and legal certainty with respect to the continental shelf beyond 200 nautical miles offshore. This is an especially valuable feature of the Convention right now, as it would maximize legal certainty regarding U.S. rights to energy resources in vast offshore areas, including in areas that are likely to extend at least 600 miles north of Alaska.

The third principal benefit of the Convention is that it sets forth a comprehensive legal framework and establishes basic obligations for protecting the marine environment from all sources of pollution. This framework allocates regulatory and enforcement authority so as to balance a coastal State’s interests in protecting the marine environment and its natural resources with the rights and freedoms of navigation of all States.”

He advocates joining the treaty and gives his reasons why in his concluding remarks:

“As the nation with the world’s largest navy, an extensive coastline and a continental shelf with enormous oil and gas reserves, and substantial commercial shipping interests, the United States certainly has much more to gain than lose from joining the Law of the Sea Convention. In my view, it is most unfortunate that a small but vocal minority armed with a series of flawed arguments has imposed upon the United States a delay that is contrary to our interests.

In the meantime, the United States will continue to abide by the Convention and work within its framework. Even as we remain outside the Convention, the Legal Adviser’s Office confronts law of the sea issues on a daily basis. For example, we work at the International Maritime Organization and in regional fora to protect the marine environment by elaborating rules for reducing vessel source pollution, ocean dumping, and other sources of marine pollution. We recently achieved U.S. ratification of a treaty MARPOL Annex VI aimed at limiting air pollution from ships and a protocol limiting land-based sources of marine pollution in the
Caribbean Region. A global treaty on ocean dumping: the London Protocol awaits action by the full Senate. At home, we coordinate with the Department of Justice to ensure that prosecutions involving foreign flag vessels are consistent with the marine pollution chapter of the Convention, and we scrutinize legislative proposals from both the Executive Branch and the Congress to ensure that U.S. marine pollution jurisdiction is applied and enforced in accordance with law of the sea rules.”

Available at:


Canada’s Arctic land and maritime claims are well recognized, with some important exceptions:

Hans Island: This is the exception to Canada’s unchallenged sovereign title to the entire Arctic Archipelago.

Beaufort Sea: The maritime boundary delimitation, which remains to be settled, could maintain or restrain the maritime zones that Canada currently claims in that region, including claims over the resources found therein.

Waters of the Northwest Passage are considered by Canada to be internal, as opposed to an international strait. The characterization of the Northwest Passage could have an impact on the extent and conditions of maritime traffic therein and consequently on resultant pollution and Canada’s ability to prevent and manage it.

Claims to extended continental shelf: This exercise carries with it the potential for international disputes as the division of the Arctic seabed for the purposes of resource exploitation and management is settled.

Available at:
http://www2.parl.gc.ca/Content/LOP/ResearchPublications/prb0805-e.pdf


The European Parliament adopted a resolution on Arctic governance 9 October 2008. The resolution should be seen in light of the ongoing work in the European Commission to prepare a Communication on Arctic issues. In the resolution, the European Parliament made the following recommendations of the European Commission to address in its communication:

- policy options that respect the indigenous populations and their livelihoods;

- options for a future cross-border political or legal structure that could provide for the environmental protection and sustainable orderly development of the region or mediate political disagreement over resources and navigable waterways in the High North;

- to include energy and security policy in the Arctic region on its agenda, and to propose, in particular, in its expected communication on the region, suitable subjects and joint working
procedures for the EU and the Arctic countries in the fields of climate change, sustainable development, security of energy supply and maritime safety;

- to take a proactive role in the Arctic by at least, as a first step, taking up 'observer status' on the Arctic Council, and considers that the Commission should set up a dedicated Arctic desk;

- to be prepared to pursue the opening of international negotiations designed to lead to the adoption of an international treaty for the protection of the Arctic, having as its inspiration the Antarctic Treaty, as supplemented by the Madrid Protocol signed in 1991, but respecting the fundamental difference represented by the populated nature of the Arctic and the consequent rights and needs of the peoples and nations of the Arctic region; believes, however, that as a minimum starting-point such a treaty could at least cover the unpopulated and unclaimed area at the centre of the Arctic Ocean;

Available at:


The World Conservation Congress met at its fourth session in Barcelona, Spain.

They called upon relevant IUCN members to utilize the Annual UN Treaty Event initiated by the Secretary General to deposit legal instruments for those international agreements with an impact on the Arctic, which have not yet been deposited. They also called on IUCN members to fulfill the joint UNEP, Nordic Council of Ministers and Arctic Parliamentarians seminar: MEAs and their relevance to the Arctic and examine the need for new international arrangements or enhancements to existing arrangements.

They called upon Arctic Council member states to implement marine ecosystem-based management approaches in the Arctic, including consideration of the establishment of a marine protected area covering high seas portions of the Arctic Ocean beyond national jurisdiction.

They called upon the Director General to undertake initiatives to further involve Arctic indigenous peoples’ organizations in furthering IUCN’s Arctic work.

Available at:

8. EU News 2008, ‘EU Chief backs Arctic drilling’, Policy Positions and EU Actors online, 22 September, viewed 20 October 2010,

EU Energy Commissioner Andris Piebalgs has said that guaranteeing Europe’s energy security justified further exploration of the North Pole.

The commissioner nevertheless stressed the need to take "all environmental precautions" and "You need clear-cut rules, clear environmental impact assessments and very responsible implementation," he said.

"I believe the Commission should help the countries that actually have these resources under their jurisdiction to develop the technologies or to use the technologies in an appropriate way," he added, saying the Commission should in no way fight for a ban on the use of Arctic resources.

But WWF Director Stephan Singer insisted that no amount of environmental and safety legislation would ever be sufficient to prevent oil companies' drilling activities from endangering the whole Arctic ecosystem.

But Piebalgs believes the solution should rest on existing international law. "We have rules. Perhaps not perfect. But I think the Convention on the Law of the Sea should be applied. I know that it does not give answers to all the questions but it could be used […] It would be very dangerous to reopen the rules because the countries that have access now to these territorial waters would say it is really unfair. They would say: 'Now guys, you have slept for 50 years and now have you discovered oil, you want to change the rules' So I believe we should stick to existing legislation."


Arctic Transform is funded through the European Commission Directorate General for External Relations as a pilot project for transatlantic methods for handling common global challenges.

This paper looks at four areas:

1. Spatial Scope of the background papers

The spatial scope is the “AMAP area”, i.e. those areas agreed by the Arctic Monitoring and Assessment Programme (AMAP). These are the marine areas north of the Arctic Circle (66°32’N) and north 62°N in Asia and 60°N in North America including the marine areas north of the Aleutian chain, Hudson Bay and parts of the North Atlantic Ocean including the Labrador Sea. The five coastal states are Canada, Denmark (in relation to Greenland), Norway, the Russian Federation and the United States.

2. The consequences of climate change for the marine environment and marine biodiversity in the Arctic marine area.

The marine environment is considered along with the terrestrial environment as marine mammals, seabirds and human depend on both for their survival. Nearly half the Arctic Ocean is covered by a permanent ice cap, which grows and shrinks seasonally with maximum cover in March and minimum cover in September. Summer sea ice has been declining over the past 50 years at an average of 8% per decade.

Arctic marine ecosystems support species well-adapted to extreme conditions. Biodiversity is clustered in areas of higher productivity with warmer waters. The Arctic marine food web is based on production of algae that is consumer by zooplankton, which is eaten by fish then
consumed by seabirds and mammals. Sea ice provides habitat for sympagic organisms. They support pelagic ecosystems in the water column in the open ocean as well as benthic ecosystems on the ocean floor. Polar cod live in both sea ice and pelagic environments. Polar cod provide a key link between zooplankton and marine mammals and provide sustenance for nesting seabirds. Marine mammals such as the polar bear, walrus, seals and whales depend on the sea ice for food and survival.

**Direct impacts of climate change** are evidenced in the IPCC AR4 (2007) and “will exceed the impacts for many other regions and will produce feedbacks that will have globally significant consequences.” Reduction in sea ice extent will impact the entire Arctic marine food web causing ice-dependent species to move north as the sea ice moves north. Some species will reduce in abundance and health while other species such as cod, herring and walleye Pollock may benefit from the increase in open water.

**Indirect impacts** come from the following factors:

- Offshore hydrocarbon exploitation and the risk of oil spills. Offshore hydrocarbon activities are focused in the Barents, Beaufort and Chukchi Seas and although there has been no major oil spills yet, there are no effective removal methods in remote icy conditions. Natural recovery would be slower due to shorter growing seasons.

- Increased shipping due to the reduction of sea ice allowing for transit through the Northwest Passage for the first time in 2007 and in the seasonally accessible Northern Sea Route. Risks include oil spills and threats to migratory marine mammals. The Arctic Marine Shipping Assessment (AMSA) will provide baseline data for current levels of marine use as well as future scenarios for 2020 and 2050.

- Overfishing also poses a risk, approximately 40% of the United States commercial fisheries is from the Bering Sea and approximately 50% of the fish consumed in the EU is from the European Arctic. Moderate temperatures are likely to benefit some commercial fish stocks however. The management of fisheries and the adaptation of management structures will play a significant role as the effects of climate change continue to emerge.

- Contaminants in the form of persistent organic pollutants (POPs) which travel from warmer climates through wind, water and migratory species. They can accumulate in the Arctic marine food web including humans and melting could release POPs in frozen sea ice.

3. The Law of the Sea in the Arctic marine area

The LOS Convention and its two implementation agreements, the Part XI Deep-Sea Mining Agreement and the Fish Stocks Agreement cover the Arctic marine area to which the Arctic Transform papers apply. The LOS Convention has 156 parties, the Part XI Deep-Sea Mining Agreement 133 parties and the Fish Stocks Agreement 71 parties. All eight Arctic States are parties to the three conventions except for the United States, which is not a party to the LOS Convention or the Part XI Deep-Sea Mining Agreement. The European Community is party to all three treaties meaning that Denmark, Finland and Norway are Member States of the EU and Iceland and Norway are parties to the EEA Agreement. The LOS Convention distinguishes between areas within national jurisdiction and areas beyond national jurisdiction. The maritime zones can consist of: internal waters, archipelagic waters, territorial sea, contiguous zone, exclusive economic zone (EEZ) and continental shelf. In some cases there is an ‘outer’ continental shelf that extends seaward of the EEZ. The marine commons are the high seas and “the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction.” The outer limits are measured from the baselines, which is the low water line along the coast. However, in certain situations straight lines are allowed under the LOS Convention as with
Canada around its Arctic islands. The United States and EU Member States regard this as inconsistent with international law.

Four high seas pockets exist in the Arctic marine area. The only dispute on title to territory that exists is that between Canada and Denmark in relation to Hans Island situated between Greenland and Ellesmere Island.

Article 76 of the LOS Convention recognizes the ‘outer continental shelf’ in certain situations where the continental shelf extends beyond 200 nm. Coastal states may make submissions to the Commission on the Limits of the Continental Shelf (CLCS). A submission from Russia is pending while Denmark and Canada are expected to be preparing submissions at the time of print. The LOSC also recognizes the sovereignty of a coastal state over its internal waters, archipelagic waters and territorial seas and the specific economic and resource-related sovereign rights and jurisdiction of a coastal state with respect to its EEZ and outer continental shelf. Other States have navigational rights and freedoms within the maritime zones of coastal States.

The Treaty of Spitsbergen grants sovereignty over Svalbard to Norway.

In the high seas, all States have the freedoms to construct artificial islands and other installations, the freedom of fishing and the freedom of scientific research subject to certain conditions and obligations. The International Seabed Authority (ISA) is charged with organizing and controlling all activities of exploration for, and exploitation of, the resources of the Area.

The Ilulissat Declaration signed by the five Arctic Ocean coastal states in 2008 saw “no need to develop a new comprehensive international legal regime to govern the Arctic Ocean.” The Ilulissat Declaration acknowledges the need for implementation with regard to the LOSC and the Fish Stocks Agreement.

4. The paper finally takes a look at the Arctic Council and its role in Arctic governance.

Available at: http://arctic-transform.org/download/Intro.pdf


The purpose of the Symposium was to examine the challenges faced by the Polar Regions for international law and policy and to make recommendations on appropriate actions by States, policy makers and other international actors to respond to these challenges. Presentations were held on four major themes:

-Theme I: Challenges for the Protection of Biodiversity and Wilderness in the Polar Region
-Theme II: Sustainable Development and Human Rights
-Theme III: Environmental Governance in the Polar Regions
-Theme IV: Emergent and Re-emerging Jurisdictional Issues in the Polar Regions

Recommendations were also made on six major points:
1. What are the main emerging and re-emerging issues in international law and policy for the Polar Regions?

2. Are the current international legal and policy systems able to address these issues?

3. What issues require immediate action by the international community?

4. What issues will require action by the international community in the longer term?

5. What steps should countries take to address these issues?

6. Which of these issues warrant further detailed study by legal scholars and other disciplines?

Available at:


This article discusses the melting of the Arctic Ice and the new access to oil and gas, trade routes and "first-time opportunity" for Europe to access new trade routes and massive oil and gas deposits. In terms of regional governance in the Arctic and the European Union, the article makes the following remarks:

“Later this year, the commission is to present a communication dedicated to the Arctic region that will tackle issues related to climate change as well as regional governance. The communication is to propose three main actions. Firstly, the commission is to propose measures supporting scientific research and monitoring with the aim of safeguarding the Arctic environment.

The commission is also interested in the exploitation of Arctic resources such as hydrocarbons and other commodities. The commissioner underscored that this must be done in a sustainable manner, but he also said that the communication hopes to outline how all regions that border the Arctic could gain equal access to such bounty. "We should seek to apply the principles of a level playing field and reciprocal market access in the Arctic," he said.

The commissioner also said the EU should seek to ensure equal access to any new fishing opportunities via new regulation and work towards an international fisheries conservation and management scheme for the Arctic - something which has never been implemented. The third element of the commission’s new thinking on the Arctic is developing the governance of the region.

Noting that the UN Convention on the Law of the Sea and work performed by the Nordic Council, the Arctic Council and other bodies have already played something of a function in this area, the commissioner said: "Nevertheless, we should be open to develop this system further," he said, adding that international environmental treaties that apply to the Arctic should be revisited.

In June, the Nordic Council published an extensive study of EU-Arctic policies, and called on the bloc to establish a self-standing Arctic-dedicated unit within the European Commission. The document also suggested the EU needed to "establish, intensify and possibly formalize international co-operation with Arctic regional bodies".

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Hans Corell, former Legal Counsel of the United Nations presents his conclusions of material presented to the conference and during the five panel sessions.

Regarding Globalization, Social issues and Arctic livelihood:

Northern communities are challenged by environmental changes but have adjusted accordingly. The impact of new activities is posing another challenge to those communities with industrial waste and environmental contamination significant risk factors. The Law of the Sea already exists as a legal framework for resolving potential conflicts in the Arctic but is based on the recognition of rights of states not of people. The principle of subsidiarity could give those Arctic peoples a voice.

Regarding The EU and the Arctic:

The EU should interact more actively with Arctic countries and cooperate with Arctic regional bodies and within broader international contexts when dealing with issues of importance to the Arctic. The EU should also develop an internal organization, a central function in the European Commission supported by an efficient network reflecting the multiple Arctic-related aspects of EU policies and actions. If the EU is to consider a fully fledged EU Arctic policy, then two questions worth considering are whether the EU would be able to back its interest in the Arctic with substance and how an EU Arctic policy could be developed in the absence of sufficiently strong Arctic constituency able to express the interests of Arctic residents.

Regarding The Law of the Sea:

The Law of the Sea does not solve all issues related in the Arctic Ocean, new sea lanes may require new rules and it may also be necessary to for states to agree upon additional rules relating to fisheries and extraction of non-renewable resources in the Arctic. If the Arctic becomes navigable, the freedom of the high seas will apply, which is a matter of concern to all States. Furthermore, it could be argued that if the Arctic Ocean is considered enclosed or semi-enclosed, then Articles 122 and 123 apply. This would require those states bordering the Arctic Ocean to cooperate with each other in the exercise of their rights and in the performance of their duties under the Convention.

The Conference was on the second day engaged in discussions with five thematic panels.

Panel 1: Terrestrial Living Resources

The implementation of existing international agreements relevant to the Arctic should be the first priority in protecting Arctic terrestrial living resources. Also, an extensive conservation area network should be established and maintain throughout the Arctic to foster high ecosystem biodiversity.

Panel 2: Marine Living Resources

Methods and tools need to be developed to effectively enforce management regimes. Instruments are urgently needed to effectively prevent illegal, unregulated and unreported fishing.
The EU ecosystem approach in marine management must be strengthened, extended and made operational through a legal basis for international cooperation in the Arctic Ocean as a whole.

**Panel 3: Non-Renewable resources – New opportunities and concerns**

Production and transport of oil and gas in and through ice-affected waters should be carefully regulated. Possible options should be considered for enhancing environmental governance of the Arctic, such options might include a UNCLOS implementing agreement for environmental issues, a regional sea agreement (along the lines of the Convention for the Protection of the Marine Environment of the North East Atlantic (OSPAR) and further development of multilateral environmental agreements at the global or regional level. The role of the Arctic Council should be broadened and strengthened. Consideration should be given to Articles 122 and 123 of the UNCLOS on semi enclosed or enclosed seas. States should also look to the IMO for solutions regarding maritime safety in the Arctic.

**General conclusions:**

Necessary action means addressing matters at the highest political level

Before new rules are contemplated, states and international organizations should ensure that existing legal regimes is implemented and that states have not yet acceded to or otherwise accepted elements of this regime to do so.

Available at:

www.havc.se/res/SelectedMaterial/20080910chairmansconclusions.pdf


Climate change is causing the furthest retreat of Arctic ice in a single year since it was first measured. The Northwest Passage is likely to be open and navigable again for the second time in two years. However, a more significant worry is the territorial claims being made. The US, Canada and Russia are busy mapping the underwater continental shelf in order to bolster claims to what are believed to be vast mineral deposits including oil and gas.

International cooperation and not a sovereignty battle is the more tolerable way to shape the future of the Arctic. The endangered and fragile ecosystem, which is threatened by global warming, outweighs the issues of access to valuable resources and shortened shipping routes.

Available at:


Governance of marine ecosystems is a critical issue, due to the growing pressure of activities like shipping, drilling and fisheries that will be exacerbated by global climate change. A major challenge is to integrate indigenous communities into the pan-arctic cooperation and to promote strategies that address the impacts of global climate change. Environmental governance is defined as “the formal and informal arrangements, institutions, ad mores which determine how resources or an environment are utilized; how problems and opportunities are evaluated and analyzed; what behaviour is deemed acceptable or forbidden; and what rules and sanctions are applied to affect the pattern of resource and environment use”. There are several kinds of approaches to governance in the Arctic from a singular approach that targets a single species, sector or issue to the broader cross-cutting strategies. The Large Marine Ecosystem (LME) approach helps to distinguish priority areas. Built on the principles of ecosystem management, LME boundaries are widely used internationally. The Arctic Council working group PAME has developed LMEs in the Arctic to use as a framework for the Arctic Marine Strategic Plan. LMEs will also provide a foundation for a joint project through the PAME and Sustainable Development Working Groups (SDWG) on Best Practices in Ecosystem-Based Ocean Management in the Arctic.

The legal and policy framework in the Arctic is a complex array of international treaties, conventions and programmes, bilateral agreements, national and sub-national laws, and non-governmental and governmental initiatives. Regulation began in the early 20th century and covers various issues:

Regulation of specific parts of the Arctic marine ecosystems (the International Convention on the Regulation of Whaling, the UN Fish Stocks Agreement or the International Agreement for the Conservation of Polar Bears)

Regulation in specific geographical segments of the Arctic marine area, including both ecosystem and single-species approaches (the Convention on the Protection of the Marine Environment of the North-East Atlantic (OSPAR), the Six nation agreement on the protection of Pollock stocks in the Bering Sea or North Atlantic Marine Mammal Commission (NAMMCO)

Regulation of specific activities potentially influencing the Arctic marine areas (UNCLOS, the International Convention for the Prevention of Pollution from Ships (MARPOL) or the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter.)

Non-binding policies also exist that require the support of participating countries.

Different examples of Environmental governance are given:

Species based approach: Polar Bear

Polar bear management is currently handled through several governance mechanisms i.e. multilateral and bi-national agreements, national laws, sub national regulations and co-management schemes. Although polar bear stocks are considered stable, proceedings of the 14th Working Meeting of the IUCN Polar Bear Specialist Group reported that, polar bears were threatened by contaminants, economic activities and the effects of climate change notably the decline in sea ice in the Arctic.

Species based approach: Beluga whale

Beluga whales are not included in the International Convention for the Regulation of Whaling. In the US and Canada, there are multiple examples of co-management agreements between federal government and local indigenous populations for the beluga and other marine mammals. Co-management is widely seen as an effective tool that has resulted in increased
knowledge for hunters and scientists. However some researchers have shown that indigenous communities feel that the co-management approach is one-sided as management quotas are dictated by federal agencies.

Regional approach: Barents Sea

The Barents Sea comprises Norwegian and Russian territories, their EEZs and a high seas region outside the EEZs of the two countries. The multilateral Barents Euro-Arctic Council (BEAR), the Barents Regional Council and bilateral cooperation such as the Norwegian-Russian Commission on Environmental Protection are also in effect. Norway also has a management plan for the Barents Sea, which seeks to strengthen the Joint Norwegian-Russian Commission on Environmental Protection and mentions the Joint Norwegian-Russian Fisheries Commission and OSPAR Convention.

Regional approach: North-East Atlantic

The North-East Atlantic is regulated in part by the OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic in force since 1998. Annex V of the Convention aims to apply an “integrated ecosystem approach” but excludes fisheries management and maritime transport. There is concern that overlapping legal framework of the international, EU, national and local laws creates confusion that can inhibit positive action.

Summary of Arctic governance

The examples of environmental governance in the Arctic, which are given in this report, illustrate the complexity of governance approaches in the Arctic. For example, both the polar bear and beluga whale are single-species approaches yet the polar bear approach is legally binding while the beluga whale is not. The beluga whale co-management agreement involves local and national actors; the polar bear management regime is through a multilateral treaty.

The Barents Sea is governed by soft law agreements through BEAR and bilateral agreements of the Joint Norwegian-Russian Fisheries and Environmental Commissions. The OSPAR Convention is governed by a commission that can take legally binding decisions.

Perspectives on the way forward

Some experts argue that the existing patchwork of specific conventions and agreements will not facilitate a sustainable management of the Arctic marine environment. A key question is whether existing treaties and initiatives provide an adequate foundation or whether new instruments institutions are needed for appropriate governance.

The summary concludes with questions for discussion:

What are the unique adaptation needs that should guide the adaptation of governance for the marine Arctic?

What are the advantages and trade-offs of the various possible approaches?

How can transatlantic policies contribute to the adaptation of governance in the marine Arctic to climate change?

Available at:

http://arctic-transform.org/download/EnvGovSum.pdf
15. *Arcticfocus* 2008, ‘Korea to advance Arctic Research’ 1 September, viewed 12 September 2010, 
http://arcticfocus.com/2008/09/01/korea-to-advance-arctic-research/

Korea’s (Chosun) first icebreaker will explore the Arctic to open a sea route there in 2012.

Under international law, no nation’s sovereignty is recognized in the Arctic Ocean. But as the icecap melts due to climate change, sea routes open up for two to three months in summer. Russia, the U.S., Canada and Norway, which are close to the Arctic Ocean, are fiercely competing with each other with a view to securing huge amounts of oil and natural gas deposits in this region.

The Korean government will join the competition to open sea routes and draw up maritime maps. As it is not adjacent to the Arctic, it cannot claim territorial seas. But if it accumulates research in the Arctic Ocean, it will be better placed to join other countries in an international agreement on the opening and development of the Arctic sea routes.

Korea will spend W7 billion (US$1=W1,089) this year to design the project, test the ground and conduct an environmental feasibility study. To stress Korea’s determination, President Lee Myung-bak is considering visiting King Sejong Station and the Arctic Research Station Dasan in the Svalbard Archipelago, Norway when he embarks on an overseas tour next year.

Available at: http://arcticfocus.com/2008/09/01/korea-to-advance-arctic-research/


Ministers representing the eight Arctic states met to discuss climate change challenges and opportunities in the Arctic. The Council are tasked with carrying issues forward and developing solutions to challenges discussed in Illulissat in May 2008. Topics covered included Climate Change in the Arctic, the International Polar Year (IPY) and its legacy, Arctic Marine Environment, human health and human development, energy, oil and gas activities, contaminants, biodiversity and finally administration and organisation of the Arctic Council.

The Council confirmed that in international relations the rule of law is a prerequisite for peaceful regional development. They recognised the rights of indigenous peoples and emphasized their engagement as fundamental to addressing challenges and opportunities. They regard human induced global climate change as one of the greatest challenges facing the Arctic. They recalled that an extensive legal framework applies to the Arctic Ocean including the law of the sea and this framework provides a solid foundation for responsible management of this ocean.

Action Items:

Re: Development of an Arctic maritime policy for safety at sea

#8: Work to develop harmonized, effective regulations to reduce all forms of pollution from ships sailing into Arctic Ocean

#10: Take an active role to update *Guidelines for Ships Operating in Ice-covered Waters* with IMO and make mandatory

#12: Support completion of Arctic Council’s *Arctic Marine Shipping Assessment* and develop action plan on basis of findings
#15: Support solid foundation for responsible management of Arctic Ocean by all Arctic States and other users of Arctic Ocean through existing, comprehensive international legal regime that governs Arctic Ocean

Re: Adaptation to climate change

#19: Provide an assessment on how Arctic nations can prepare for new opportunities as a result of a changing Arctic

Re: Ask the Standing Committee of Parliamentarians of the Arctic Region

#28: To promote the Fairbanks Statement in the development of an Arctic policy in the EU and Arctic states and involve the national parliaments and European Parliament in the process

#31: To encourage the Arctic states and EU to work together on an agenda for issues of Arctic and northern interest, and to promote it on a global level in cooperation with international organizations and forums

#32: To continue discussion on legal regimes that impact the Arctic, and in particular to promote ideas to strengthen the legal and economic base of the Arctic Council.

Available at:
http://www.arcticparl.org/_res/site/file/ConferencestatementFinal.doc

17. CBC News 2008, ‘Alaska sues US over polar bears threatened species status’, 5 August, viewed 12 September 2010,

http://www.cbc.ca/technology/story/2008/08/05/bear-lawsuit.html

The state of Alaska has filed a lawsuit against the U.S. government, in an attempt to overturn the listing of polar bears as a threatened species. It comes two months after Alaska asked U.S. Interior Secretary Dirk Kempthorne and the U.S. Fish and Wildlife Service to downgrade polar bears' risk status. Kempthorne declared polar bears to be threatened on May 14, saying the animals' sea ice habitat has dramatically melted and computer models suggest the trend will continue. But Palin stated the federal analysis "was not based on the best scientific and commercial data available," arguing that it did not adequately consider polar bear survival through earlier periods of warming.

She also said existing regulatory mechanisms in Alaska and elsewhere in the world have led to a sustainable worldwide polar bear population.

Available at: http://www.cbc.ca/technology/story/2008/08/05/bear-lawsuit.html


Dr. Djoghlaf is the Executive Secretary on the Convention on Biological Diversity and has in this articles summarised how climate change affects biodiversity and overviews the strategies in place to combat negative impact. According to reports from the Intergovernmental Panel on Climate Change, the years 1995 – 2006 rank amongst the twelve warmest years in the instrumental record of global surface temperatures since 1850. The Arctic Climate Impact Assessment (ACIA) commissioned by the Arctic Council and prepared over five years by a
team of over three hundred scientists identifies a range of climate change impacts including rising temperatures in the Arctic, shifts in vegetation zones, changes in animal species diversity, ranges and distribution and increased exposure to storms by coastal communities. Indigenous people also provided case studies of observing less predictable weather across communities in Kotzebue, the Aleutian and Pribilof Islands, the Yukon Territory, Denendeh, Nunavut, Greenland, Sápmi and Kola.

The Convention on Biological Diversity (CBD) establishes the international framework for biodiversity conservation.

Conclusions:

According to the ACIA Report, further research is required to understand the environmental change taking place in the Arctic, to detect and interpret climate change and to determine appropriate response strategies. Mr. Ban Ki-moon, United Nations Secretary-General has said that conservation and sustainable use of biodiversity is an essential element of strategies to adapt to climate change. He said: “Through the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change, the international community is committed to conserving biodiversity and combating climate change. The global response to these challenges needs to move much more rapidly, and with more determination at all levels-global, national and local. For the sake of current and future generations we must achieve the goals of these landmark instruments.”

Available at:

www.wcl.american.edu/org/sustainabledevelopment/2008/08summer.pdf


The European Union (EU) and the Arctic are linked in many ways. Three member states (Denmark/Greenland, Finland and Sweden) have territories in the Arctic. Iceland and Norway are members of the European Economic Area. Canada, Russia and the US are strategic partners of the EU. The areas of high seas located in the Arctic are beyond national jurisdiction and subject to management by the International Seabed Authority. EU policies in areas such as the environment, climate change, energy, research, transport and fisheries have a direct bearing on the Arctic. EU interests and proposed action centers around three main policy objectives:

Protecting and preserving the Arctic in unison with its population:

Environment and climate change: Proposals for action center around the main goal of preventing and mitigating the negative impact of climate change as well as supporting adaptation to inevitable changes. Proposals include assessing the effectiveness of EU policies and MEAs in responding to Arctic environmental challenges, strengthening international efforts to mitigate climate change and identify areas where adaptation to the effects of climate change needs to be provided, promoting permanent dialogue with NGOs on the state of the Arctic environment.

Support to indigenous peoples and local population: Arctic indigenous peoples in the EU are protected by special provisions under European Community Law. A key principle of the Joint Statement on EU development policy 8 is the full participation and free, informed consent of indigenous peoples. EU regional policy and cross-border programmes also benefit indigenous
peoples, whose organizations participate in the Northern Dimension. Rights of indigenous peoples are a thematic priority under the European Initiative for Democracy and Human Rights.

Promoting sustainable use of resources:

Known Arctic offshore resources are located inside the Exclusive Economic Zone of Arctic states. Arctic resources could contribute to enhancing the EU’s security of supply concerning energy and raw materials. Proposals for action include pressing for the introduction of binding international standards building on the guidelines of the Arctic Council and relevant international conventions.

Contributing to enhanced Arctic multilateral governance:

There is no specific treaty regime for the Arctic. No country or group of countries have sovereignty over the North Pole or the Arctic Ocean around it. There are several maritime borders where Arctic coastal states have not agreed upon the delimitation of Exclusive Economic Zones. Submissions to the UN Commission on the Limits of the Continental Shelf may result in overlapping claims. Moreover, there are different interpretations of the conditions for passage of ships in some Arctic waters, especially in the Northwest Passage. An extensive international legal framework is already in place that also applies to the Arctic. The provisions of the UN Convention on the Law of the Sea (UNCLOS) provides the basis for the settlement of disputes.

Policy objectives include The EU should work to uphold the further development of a cooperative Arctic governance system based on the UNCLOS which would ensure: security and stability, strict environmental management, including respect of the precautionary principle and the sustainable use of resources.

The document also recommends:

- The full implementation of already existing obligations, rather than proposing new legal instruments should be advocated. This however should not preclude work on further developing some of the frameworks, adapting them to new conditions or Arctic specificities.

- Arctic considerations should be integrated into wider EU policies and negotiations.

- Assess the effectiveness of Arctic-relevant multilateral agreements to determine whether additional initiatives or measures are needed.

- Closely follow the processes of maritime delimitation and of the establishment of the outer limits of the continental shelves to assess their impacts on EU interests.

Available at:


The Arctic parliamentary cooperation hosted a panel discussion in the UN on the topic of cooperation in the Arctic between the scientific community, the Arctic indigenous peoples and Arctic political organizations.

In an intervention by Dr. Robert Corell, “Climate Change from an Arctic perspective”, he points out that major geopolitical issues are unresolved across the Arctic Basin, in particular in relation to the Law of the Sea and whether it is the correct venue to resolve geopolitical issues or if further international frameworks might be required.

Ms. Juliane Henningsen, MP, Denmark/Greenland also presented an intervention entitled “Climate Change in a Greenlandic perspective”. Main points from her presentation:

- Denmark and Greenland have created a climate change centre at the Greenlandic University in Nuuk. Greenland is however, seeking to gain more political and economic independence from Denmark and exploitation of mineral resources are opening new opportunities to do so.

- The Self-Rule Commission in Greenland has agreed that the minerals in Greenland’s underground belong to Greenland, both renewable and non-renewable.

Ms. Darcie Matthiessen, Climate Change Coordinator of the Arctic Athabaskan Council also gave a presentation in which she stated the need to “embed the Arctic barometer into international legal instruments”. When the UN Framework on climate change was negotiated, the Arctic was not seen as being impacted by climate change. Accordingly, the UNFCCC fails to mention the Arctic and indigenous peoples. It also does not contain provisions which endorse and encourage the use of traditional knowledge in decision-making. Indigenous peoples need to have a formal seat at COP similar to the arrangement with the Arctic Council where six Arctic Indigenous Peoples organizations sit at the same table.

Dr. Ahmed Djoghlaf, Executive Secretary, Secretariat of the Convention on Biological Diversity gave a statement. His major points:

The Convention for Biological Diversity (CBD) established the international framework for biodiversity conservation and very early on looked into the relationship between biodiversity and climate change. All international agreements are only as strong as their Parties’ plans for on the ground implementation in their own countries. Under Article 6(a), each Contracting Party must develop a national biodiversity strategy and action plan. A national strategy would also give decision makers the mandate to push for laws, educational programmes and budgets that support the protection of biological diversity. Biodiversity will be lost if governance tools are not put into place.

Available at:


The Council of the European Union in partnership with Monaco, organized this international ministerial conference to bring together the countries of the Arctic Council - Canada, Russia, Norway, Denmark, Iceland, the United States, Sweden and Finland - on subjects of common interest, notably sustainable development and environmental protection in the Arctic. The final declaration notably states the following in relation to Arctic law:
“Recognize the contribution of research, observation and monitoring … of the Arctic environment and climate, including the impact on biodiversity and the effect of diffusion and contamination by chemicals, thus providing complete and useful information to inform political decision-making at national and international levels.”

Available at:


This publication is a review of the EU's policies and its administrative processes that are related to or affect the development in the Arctic. The aim of the report is to create an overview of existing policies of the EU of importance to the Arctic and to identify possible areas of co-operation. It also constitutes an input to the Nordic Council Ministers’ Arctic Conference "Common Concern for the Arctic" that took place on the 9-10 September in Ilulissat, Greenland.

Topics covered include:

- The political framework in the Arctic, namely the Northern Dimension, the EU and regional bodies and EU bilateral relations with non-EU Arctic states.
- The Common Agricultural Policy and programmes with Arctic relevance
- Climate change
- Energy
- Research and arctic-relevant research
- Environment and arctic relevant fields, European Environment Agency
- Maritime policy
- Indigenous peoples, policy and Arctic relevant aspects
- Animal welfare
- Greenland and the EU
- The European Parliament and the Arctic
- An potential EU Arctic policy

Available at:
http://www.norden.org/da/publikationer/publikationer/2008-729/at_download/publicationfile

23. Peoples Daily online 2008, ‘Icebreaker Xuelong Sails into the Arctic’, 3 August, viewed January 4 2010,
The icebreaker Xuelong, the carrier for China's third scientific Arctic expedition, sailed into the Arctic on August 2, 2008 with some 110 scientists on board. The team conducted comprehensive observations and research on the Chukchi Sea and the Canada Basin.

Zhang Haisheng, chief scientist of the team, said that as the Arctic has a notable influence on the climate in China, the current expedition will focus its research on the Arctic climate change's impact on climate change in China, as well as the unique biological and genes resources, and Arctic geology and geophysics. The prospect of the Arctic being navigable during summer months as a result of climate change has impelled the Chinese Government to allocate more resources to research in the High North.

Available at: http://english.people.com.cn/90001/90781/6465324.html


John B. Bellinger, Legal adviser to then U.S. Secretary of State Condoleezza Rice, wrote this article to encourage the US to join the Law of the Sea Convention.

Bellinger notes that there is already an extensive legal framework governing the region and the five countries bordering the Arctic Ocean have committed to observing those international rules. Existing international rules enshrine navigational rights and freedoms for military and commercial vessels. It also specifies the rights of coastal nations in offshore marine areas.

International law also sets forth principles for coastal nations to resolve territorial disputes. There are also national and international pollution control measures to protect the marine environment.

Bellinger proposes that the United States need not do anything to advance a new comprehensive treaty for the region but instead “it should take full advantage of the existing rules by joining the Law of the Sea Convention”. This would codify and maximize international recognition of the US rights to the resource rich continental shelf extending 600 miles off Alaska. Bellinger concludes by saying “signing on would do much more to protect American security and interests in the Arctic than pursuing the possibility of a treaty that we don’t really need.”

Available at: http://www.nytimes.com/2008/06/23/opinion/23bellinger.html?pagewanted=print

25. USA Federal rule on Polar Bear: Marine Mammals; Incidental Take During Specified Activities; Final Rule, 73 Fed. Reg. at 33212-33255 (June 11, 2008); codified at 50 C.F.R. § 18.111 et seq.

The US Fish and Wildlife Service has developed regulations that authorize the nonlethal, incidental, unintentional take of small numbers of polar bears (Ursus maritimus) during oil and gas industry (Industry) exploration activities in the Chukchi Sea and adjacent western coast of Alaska.

Available at:

This article discusses the threats and challenges of global warming but notes the opportunity for law and policy opportunities for positive change. He discusses the need for a binding multi-lateral agreement on reducing greenhouse gas emissions that includes all nations, including the United States, China, and India. He also argues that lawyers should sue corporations who fail to meet environmental law standards. Finally, he states that “we need creative lawyers to use existing international tools under agreements such as the Convention on the Law of the Sea, the Convention on Biological Diversity, various human rights conventions, the Polar Bear Treaty, and even the World Trade Organization … to tilt the playing field back in favor of conservation, equity, and the sustainable use of our limited natural resources.”

Available at:
www.wcl.american.edu/org/sustainabledevelopment/2008/08summer.pdf


This document serves as the final Scenario Narratives Report for the Future of Arctic Marine Navigation in Mid-Century, a project of the Arctic Council’s Protection of the Arctic Marine Environment (PAME) working group and Global Business Network (GBN), a member of the Monitor Group. The purpose of this project, and these scenarios, is to systematically consider the long-term social, technological, economic, environmental, and political impacts on Arctic Marine Navigation of Key Finding #6 of the Arctic Climate Impact Assessment (ACIA) published by the Arctic Council and the International Arctic Science Committee in November 2004.

Four different scenarios were created:

**Arctic Race:** Where high demand and unstable governance creates a no holds barred rush for Arctic wealth and resources

**Polar Lows:** Where low demand and unstable governance brings a murky and under-developed future for the Arctic

**Polar Preserve:** Where low demand and stable governance slow development while introducing an extensive Arctic eco-preserve with stringent “no-shipping zones”

**Arctic Saga:** Where high demand and stable governance lead to a healthy rate of development that includes concern for the preservation of Arctic ecosystems and cultures.

Available at:

The Permanent Forum on Indigenous Issues made the following recommendations to the Economic and Social Council Permanent Forum regarding law and policy and human rights of indigenous people in the Arctic.

The Nordic Saami Convention stands out as an example of good practice in empowering indigenous peoples to preserve and revitalize their languages. The Permanent Forum hence calls on the Nordic states to ratify the Saami Convention without further delay.

This statement is presented by Olav Mathis Eira, vice-president of the Saami Council and he is also a reindeer herder. Eira is head of Norwegian section of the Saami Council. On this basis, among others, Arctic Indigenous caucus submitted the following recommendations:

- The Nordic Saami Convention stands out as an example of good practice in empowering indigenous peoples to preserve and revitalize their languages. The Permanent Forum hence calls on the Nordic states to ratify the Saami Convention without further delay.

- We are concerned with the lack of funding and political will to promote and protect indigenous languages which remains a major challenge. We would therefore call upon the involved parties to develop funding through ways which involve the indigenous peoples.

- United Nations Declaration on the Rights of the Indigenous Peoples and other relevant human rights standards should be utilized as the basis to develop policies and laws related to the promotion and strengthening of indigenous languages.

Available at: http://www.galdu.org/web/index.php?odas=2735&giella1=eng


Hans Corell, former undersecretary-general for legal affairs of the United Nations writes in response to an article by Scott Borgerson, entitled Arctic Meltdown. He makes the following points regarding governance in the Arctic:

- The United Nations Convention on the Law the Sea is the comprehensive multilateral regime that applies in the Arctic. There is nothing to suggest otherwise. As far as the rights of coastal states are concerned, the convention distinguishes between territorial sea, the exclusive economic zone and the continental shelf. Apart from the territorial sea, which extends 12 nautical miles from the baselines, the questions that arise in the Arctic are definitely not about territory over which states have sovereignty.

- The point of departure when it comes to the exclusive economic zone and the continental shelf is that the rules that govern the high seas apply, in particular the principle of freedom of navigation. According to the convention, no state may validly purport to subject any part of the high seas to its sovereignty, and every state has the right to sail ships flying its flag on the high seas.

- Of particular interest is the extent to which the coastal states in the Arctic can lay claims to the continental shelf beyond the 200-nautical-mile exclusive economic zone. This is a matter
to be determined by the Commission on the Limits of the Continental Shelf in accordance with specific rules laid down in the convention.

- It should also be mentioned that sea areas in the Arctic that will not constitute exclusive economic zones or continental shelf will belong to an area, the resources of which are referred to in the Convention as the "common heritage of mankind." There are clear provisions to the effect that no state shall claim or exercise sovereignty or sovereign rights over any part of this area or its resources.

- The fact that the Law of the Sea Convention applies in the Arctic certainly does not mean that there is no need for further work at the international level. Indeed, there is, in particular for the protection of the environment in this extremely sensitive area.

- The Convention already contains explicit rules that oblige states to protect and preserve the marine environment. According to these rules, states have the sovereign right to exploit their natural resources pursuant to their environmental policies. But this must always be done in accordance with their duty to protect and preserve the marine environment.

- If these rules are respected by all states, including in particular by the United States, there should be no risk for the Arctic descending into armed conflict.

Available at: 


A report, produced for the World Wildlife Fund and presented to the Arctic Council, adds that there could be factors contributing to climate change that were not even considered until recently. The report was compiled from papers published since the 2005 Arctic Climate Impact Assessment. It also contains research not considered by the 2007 United Nations International Panel on Climate Change. While the UN panel, which won a Nobel Prize for its work, predicted an ice-free Arctic by 2100, new measurements from the field suggest ice-cover shrinkage is actually 30 years ahead of that. New models that take into account factors such as the increased absorption of the sun's heat by open water suggest the summer ice pack could be gone in five to 32 years. The vast Greenland ice cap is also thought to be shrinking more quickly than anticipated. Also disturbing is the discovery of vast reserves of greenhouse gases locked in permafrost around the globe. Scientists now estimate those carbon reserves are roughly equivalent to the amount already in the atmosphere. The Arctic tundra currently stores slightly more carbon than it emits, but that could change quickly with widespread permafrost melting.

Available at: http://www.theglobeandmail.com/news/national/arctic-is-thawing-faster-than-expected-report-says/article680863/print/

The Arctic icecap is rapidly melting, opening up access to massive natural resources and creating shipping shortcuts. But there are currently no clear rules governing this economically and strategically vital region. “Unless Washington leads the way toward a multilateral diplomatic solution, the Arctic could descend into armed conflict.” This article discusses “a new scramble for territory and resources among the five Arctic powers.”

Available at: http://www.foreignaffairs.com/articles/63222/scott-g-borgerson/arctic-meltdown


Climate change is already occurring in the Arctic and the Arctic Climate Impact Assessment recently concluded that future climate change could be devastating for Inuit. This paper characterizes vulnerability to climate change in two Inuit communities in the Canadian territory of Nunavut, focusing on the resource-harvesting sector. In both communities, Inuit have demonstrated significant adaptability in the face of current changes in climatic conditions. Traditional Inuit knowledge, strong social networks, flexibility in resource use, and institutional support facilitate this adaptability. Changing Inuit livelihoods, however, have undermined certain aspects of adaptive capacity and have resulted in emerging vulnerabilities. Global and regional climate projections indicate that climatic conditions, which currently pose risks, are expected to be negatively affected by future climate change. These projections are not without precedent and analysis of current vulnerability and identification of adaptation constraints by Inuit in the two communities indicate the continued importance of traditional coping mechanisms. The ability to draw on these coping mechanisms in light of future climate change, however, will be unequal and the research indicates that young Inuit and those without access to economic resources, in particular, are vulnerable.

Available at: www.arctichealth.org/docs/ClimateChangeAbstracts/Ford.pdf


This article discusses the 1970 voyage of a U.S. owned submarine named the Queenfish, which explored the Arctic seabed in order to map thousands of uncharted seabed in search of safe submarine routes. Dr. McClaren, who captained the vessel, stated that the main mission was to map the seabed and collect oceanographic data and reached the North Pole on August 5, 1970 and thereafter sailed for the Siberian continental shelf ignoring the 370-kilometer Russian territorial limit. Dr. McClaren said the mission was a “milestone for the freedom of navigation” something which is highly relevant today as melting polar ice is opening up new shipping lanes and exposing potentially vast deposits of natural resources, including oil.

Available at: http://www.nytimes.com/2008/03/18/science/18arctic.html

This report focuses on the impact of climate change on international security and considers that impact of these international security consequences for Europe’s own security and how the EU should respond. The report considers how the full range of EU instruments, including Community and CFSP/ESDP action, can be used alongside mitigation and adaptation policies to address the security risks.

Loss of territory and border disputes resulting from major landmass changes could result in disputes over land and maritime borders and other territorial rights.

There might be a need to revisit existing rules of international law, particularly the Law of the Sea, as regards the resolution of territorial and border disputes. A further dimension of competition for energy resources lies in potential conflict over resources in Polar regions which will become exploitable as a consequence of global warming.

The Arctic in particular is mentioned:

The rapid melting of the polar ice caps, in particular, the Arctic, is opening up new waterways and international trade routes. In addition, the increased accessibility of the enormous hydrocarbon resources in the Arctic region is changing the geo-strategic dynamics of the region with potential consequences for international stability and European security interests. The resulting new strategic interests are illustrated by the recent planting of the Russian flag under the North Pole. There is an increasing need to address the growing debate over territorial claims and access to new trade routes by different countries which challenge Europe’s ability to effectively secure its trade and resource interests in the region and may put pressure on its relations with key partners.

Possible actions that could be developed include:

- Focus attention on the security risks related to climate change in the multilateral arena among others by addressing a possible need to strengthen certain rules of international law, including the Law of the Sea.
- Further integrate adaptation and resilience to climate change into EU regional strategies, for example the Northern Dimension in the Arctic.
- Develop an EU Arctic policy based on the evolving geo-strategy of the Arctic region, taking into account i.e. access to resources and the opening of new trade routes.

Available at:

35. Byers, Micheal 2008, ‘A Thaw in Relations – There is room to negotiate between the U.S. and Canadian positions in the Northwest Passage’, 6 March, viewed 12 August 2010,

http://canada.com/components/print.aspx?id=78e22617

This article discusses the potential for a bilateral agreement between the United States and Canada. Climate change has caused a rapid and accelerating loss of Arctic sea-ice, evidenced
by the disappearance of 1.2 million square kilometres in 2007. The Northwest passage (NWP) was easily navigable and 12 full transits occurred. A ‘model negotiation’ between the U.S. and Canada is recommended by Mr. Byers and Mr. Paul Celluci, the US Ambassador to Canada.

Nine concrete recommendations were made which raise the bar with respect to environmental and safety protections without compromising Canadian sovereignty:

- That the U.S. and Canada collaborate in developing parallel rules, standards and co-operative enforcement mechanisms for notification and interdiction zones in the northern waters of Alaska and Canada. The U.S. would adopt a mandatory Arctic shipping registration scheme that would protect the western approaches of the NWP, keeping suspect vessels at bay and alerting Canada about foreign ships heading into their waters. This would enable Canada to change its current voluntary Arctic shipping registration system into a mandatory scheme without fear of eliciting an American protest.

- The U.S and Canada should share maritime surveillance in northern waters, and co-operatively develop further surveillance capabilities.

- Canada’s strict Arctic marine environmental protection laws should be built upon by developing advanced navigation, safety and ship construction and operation standards.

- The U.S. and Canada co-operate on the establishment of shipping lanes, traffic management schemes and oil spill response plans for the northern waters of both Alaska and Canada.

- Immigration and search-and-rescue concerns would be addressed in response to the increasing number of cruise ships in Arctic waters.

- New State of the art ice-breakers to replace their ageing coast guard vessels need to be acquired.

- The two countries develop safety infrastructures including navigation aids and perhaps even new port facilities.

- Canada and the U.S. should make maximum use of the considerable legal powers that already possess over vessels, either sailing to or from Canadian or U.S. ports, or registered in one or the other country.

- A U.S. Canada Arctic Navigation Commission be formed to address common interests in navigation, environmental protection, security, safety and sustainable economic development. The commission would follow the model of the International Joint Commission, which deals with transboundary fresh water issues, by acting as a recommendatory body to promote dialogue, conduct studies, and make policy proposals to both governments.

Available at: http://canada.com/components/print.aspx?id=78e22617

36. “Policy Options for Arctic Environmental Governance” prepared by the Environmental Governance Working Group, Arctic Transform Expert Policy Papers, Co-Chairs: Dr. Stuart Chapin and Dr. Neil Hamilton

There is much common agreement regarding Arctic governance and common interests among Arctic states. The EU and the US both released important statements regarding their Arctic policies. In November 2008, the European Commission issued its Arctic Communication,
which laid out EU Policy Objectives in a number of areas, including environmental protection, indigenous peoples, sustainable use of resources, and international governance options. The January 2009 Presidential Directive on Arctic Region Policy outlined a similar set of issues. Areas of agreement were noted:

- Both affirmed their commitment to the law of the sea framework
- Both prefer to work within existing institutions and frameworks rather than creating a new regime
- Both recognize the threat to indigenous communities by rapid environmental change and poorly regulated economic expansion
- Both indicated a commitment to greater cooperation in scientific research and monitoring
- Both highlighted the need for greater coordination on matters of safety and emergency response.
- Both support ecosystem-based management and have experience within their own maritime zones.

Opportunity for international collaboration

Arctic governance strategies could build upon and set precedents for effective environmental governance frameworks throughout the world. Sector specific policies are critical for managing fishing, hydrocarbon and shipping activities but an ecosystem-based management approach is necessary to ensure that adequate environmental safeguards are established in the marine Arctic. The development of such an approach is fundamentally international in nature and should be based on a system of international principles, standards and rules that addresses the interactions and interdependencies among countries, stakeholders and institutions in the context of climate change.

Analysis of policy shortcomings

Environmental governance in the marine Arctic is characterized by a patchwork of rules and institutions that reflects a mix of national jurisdictions and international space. There is no current governance body specifically mandated to adopt and enforce legally binding rules for the marine arctic. The Arctic Council has no mandate to impose legal obligations on Arctic states and that capacity lies in the hands of those countries through bilateral and multilateral initiatives that they might take. There is no network of marine protected areas established in the Arctic as well as lack of regulatory instruments such as transboundary environmental impact assessment (EIA). There is also a lack of integrated, cross-sectoral, ecosystem-based management.

Policy pathways:

The idea of policy pathways is an evolution of policy over time and could for example, enable a precautionary beginning to environmental protection and then a gradual easing of environmental restrictions. There is little support for an Arctic Treaty by both the EU and the U.S. However, their statements leave the door open for new international instruments and examples of starting points are given.

- Fisheries Working Group: “prepare for the conservation and management of new and expanding fisheries within parts of the Arctic marine area...including by means of effective
policies for combating IUU fisheries under flags of non-compliance and through port-state control to deter free riders to take advantage of changes in distribution”

- Shipping Working Group: “Work closely at IMO to strengthen the existing voluntary Arctic Guidelines and develop a strategic plan with a timetable to make the guidelines mandatory”

- Offshore hydrocarbon Working Group: “Seek to integrate offshore oil and gas with other activities in the area to minimize conflict through marine spatial (and temporal) planning. Take first steps towards a Pan Arctic EIA”.

- Indigenous peoples Working Group: “The commercial industries benefiting from the Arctic (should) set up an Arctic Trust Fund that will counterbalance some of the risks that their activities create. The fund could be used for adaptation activities such as relocation, training, education, etc.”

Principles of environmental governance

Core principles could provide a starting point for governance of the Arctic:

- The principle of fit – create arrangements that avoid or minimize spatial and temporal mismatches governance practices, e.g. Multi-level governance.

- The principle of multiple use – develop integrated approaches that can mediate among different uses of marine resources and establish priorities when such uses are incompatible

- The principle of cooperation ensures that all stakeholders have a voice in decision-making and decisions are made in a transparent fashion at the appropriate level of governance.

- The principle of adaptive management – the governance system is designed to promote adaptation and social learning as knowledge improves regarding the relevant biophysical systems, human activities and their interactions.

- The principle of policy flexibility – Changing policy according to the changing ecosystems using resilience, learning and ecosystem-based management.

- The principle of precaution – Putting regulations in place before human activities increase.

Actors and Institutions

The Arctic Council provides a unique intergovernmental forum with the eight Arctic states and indigenous peoples having the central roles in guiding its activities. However, indigenous peoples have had limited engagement in policy development and the report states that arctic indigenous peoples still face significant barriers to the full assertion of their rights.

Other state-linked groups include the Nordic Council of Ministers, the Northern Dimension, the Conference of Arctic Parliamentarians, International Arctic Science Committee and other regionally-based organizations. None have articulated a plan to take up the challenge of improving Arctic environmental governance in any overarching manner.

WWF has been significant through its early identification of climate-related issues and its ongoing presence as an observer at the Arctic Council and participant in the Working Groups.

Policy Options

- Scientific research: Improved understanding or marine ecosystems and how they are evolving is an essential component
- Moratoria – It could be desirable to place moratoria on activities in specific regions before levels of human activity increases.

- Environmental Impact Assessments and risk assessments – Could be useful for preventing and responding to political, economic or cultural instabilities stemming from environmental change

- Issue-specific summits – could raise awareness on specific issues, explore potential solutions and spur nations to close gaps in governance

- Marine protected areas – Designation of marine protected areas could be used to protect particularly sensitive, pristine and unique areas.

- Large marine ecosystems (LME) – The managements of LMEs could be undertaken at national and bilateral levels in order to preserve ecosystem integrity and holistic governance of human activity in these regions.

- Integrated coastal management (ICM) – managing the land-water interface through integrated coastal management could help reduce land-based contributions to degradation of the marine environment.

- Reserve networks – establishing networks of terrestrial and marine protected areas could increase the resilience of ecosystems’ abilities to adapt to changing Arctic conditions.

- Arctic Council – It serves as the most important forum for discussion however weaknesses include lack of adequate funding and a permanent secretariat. There is also a lack of political will on the part of the Council’s member states to timely implementation of its recommendations. Modifications to its current mandate may therefore be necessary.

- UNCLOS – The UN Law of the Sea Convention provides the overarching framework for ocean governance and could provide a framework for nations to harmonize national laws for marine protection within and outside 200 miles by 1) promoting well developed national standards as models and/or 2) creating international Environmental Impact Assessment (EIA) standards.

- Strengthening other existing institutions – A preferable starting point could be to strengthen the governance mechanisms already in place.

Available at:

http://arctic-transform.org/download/EnvEX.pdf


This article discusses an essay by Scott C. Borgerson, entitled “Arctic Meltdown: The Economic and Security Implications of Global Warming”. Scott G. Borgerson is International Affairs Fellow at the Council on Foreign Relations and a former Lieutenant Commander in the U.S. Coast Guard in Foreign Affairs - a magazine published by The Council on Foreign Relations.

Borgerson’s essay depicts a new scramble for territory and resources among the five Arctic powers. Russia has submitted territorial claims to the UN, planted its flag on the North Pole’s
sea floor and has ordered strategic bomber flights over the Arctic Ocean for the first time since the Cold War. Canadian Prime Minister Stephen Harper announced funding for new Arctic naval patrol vessels, a new deep-water port, and a cold-weather training center along the Northwest Passage. Denmark and Norway, which control Greenland and the Svalbard Islands, respectively, are also anxious to establish their claims.

The United States has remained largely on the sidelines however, as the U.S. Senate has not ratified the UN Convention on the Law of the Sea (UNCLOS), the leading international treaty on maritime rights, even though President George W. Bush, environmental nongovernmental organizations, the U.S. Navy and U.S. Coast Guard service chiefs, and leading voices in the private sector support the convention.

“As a result, the United States cannot formally assert any rights to the untold resources off Alaska's northern coast beyond its exclusive economic zone -- such zones extend for only 200 nautical miles from each Arctic state's shore -- nor can it join the UN commission that adjudicates such claims. Worse, Washington has forfeited its ability to assert sovereignty in the Arctic by allowing its icebreaker fleet to atrophy. The United States today funds a navy as large as the next 17 in the world combined, yet it has just one seaworthy oceangoing icebreaker -- a vessel that was built more than a decade ago and that is not optimally configured for Arctic missions. Russia, by comparison, has a fleet of 18 icebreakers. And even China operates one icebreaker, despite its lack of Arctic waters. Through its own neglect, the world's sole superpower -- a country that borders the Bering Strait and possesses over 1,000 miles of Arctic coastline -- has been left out in the cold.

Washington cannot afford to stand idly by. The Arctic region is not currently governed by any comprehensive multilateral norms and regulations because it was never expected to become a navigable waterway or a site for large-scale commercial development. Decisions made by Arctic powers in the coming years will therefore profoundly shape the future of the region for decades. Without U.S. leadership to help develop diplomatic solutions to competing claims and potential conflicts, the region could erupt in an armed mad dash for its resources.”

Available at:
http://www.arctic-council.org/article/2008/3/an_arctic_war_is_getting_closer

38. Koivurova, Timo 2008, “Continental Shelf Claims by the Arctic Ocean Coastal States – Preliminary Evaluation” NIEM/Arctic Centre/University of Lapland, University of the Arctic Rectors’ Forum, Standing Committee of Parliamentarians of the Arctic Region (SCPAR), Rovaniemi, February 28, 2008, University of Lapland

This is a background paper prepared for the joint seminar of University of Arctic Rectors’ Forum and the Standing Committee of Parliamentarians of the Arctic Region on February 28, 2008, at the Arctic Centre in Rovaniemi, Finland.

The paper discusses how parties to the UNCLOS, and those which have a broader continental shelf them 200 nautical miles, are under a legal obligation to make a submission to the UN Commission on the Limits of Continental Shelf within 10 years of becoming parties to the treaty. The convention provides complex criteria but certain points are clear:

1) That there are outermost limits to the continental shelf claim, either 350 miles from the baselines or that the shelf “shall not exceed 100 nautical miles from the 2,500 metre isobath, which is a line connecting the depth of 2,500 metres”. USA, in its reaction, accused Russia for exceeding these outermost limits in certain localities.
2) Oceanic ridges cannot be claimed as part of the state’s continental shelf, and the US argues in its reaction to Russia’s first submission that this is exactly what Russia is doing.

3) Continental shelf cannot be occupied (Art. 77.3) and thus any concerns of Russia occupying some parts of ocean floor (manifested in the planting of Russian flag to the ocean floor) are invalid from the viewpoint of UNCLOS and the law of the sea

(4) apart from outermost limits, if the continental margin of a coastal state does not extend up to 200 NM, it will be 200 NM)

The possibility for an Arctic treaty is discussed:

- The only actor that has outright informed that a multilateral treaty needs to be negotiated is the WWF Arctic.

- Others such as the World Conservation Union, Arctic parliamentarians and UNEP GRID Arendal urge that a study be conducted as to the effectiveness of multilateral treaties in the Arctic.

- The Arctic Council’s weaknesses include: no permanent funding base, no permanent secretariat, no legal status and can at most prescribe soft guidelines.

- Benefits of a treaty: encourage greater political and bureaucratic commitments, establish firmer institutional and financial foundations and give legal status to environmental principles and standards

- Downsides to a treaty: lengthy and costly negotiation processes, risk of legalizing lowest common denominator standards and contributing another layer of complexity to already fragmented array of multilateral environmental agreements. Also there is no indication that member states of the Arctic Council that they would pursue this approach.

Available at:

www.uarctic.org/Timo_Koivurova_FINAL_web_g0gNj.pdf.file


Action Items: During its two year Chairmanship of the Barents-Euro Arctic Council, Sweden will focus on the potential of the Barents region to become an eco-efficient economy, addressing the challenges of economic growth, sustainable use of natural resources, energy efficiency and climate change. Action items include:

- Revitalize work on climate change

- Increase the opportunities for small and medium sized enterprises to do business in the Barents region

- Intensify cooperation in renewable energy and energy efficiency in the Barents region

- Promote activities to exclude ‘hot-spots’ from the Barents environmental ‘hot-spots’ list, in cooperation with the Arctic Council.
- Strengthen and expand ongoing, trans-boundary Emergency Prevention, Preparedness and Response cooperation in order to improve the interoperability of these services.

Available at:


Two teams of experts on international relations and polar politics, one Canadian and American, took part in “an extraordinary exercise in simulated diplomacy” to pressurize both countries to hold talks to address urgent issues regarding the Arctic waters including climate change and control over the Northwest Passage.

It was hoped that the two-day “model negotiation” or mock summit on the future of the Arctic Ocean would press the two countries to begin official talks on a host of urgent issues confronting the rapidly warming region, including the question of who should control the Northwest Passage.

Organized by University of British Columbia political scientist Michael Byers, Paul Cellucci, the former U.S. ambassador to Canada, and Pierre Leblanc, the former commander of the Canadian military’s northern forces, were among its participants.

The International Joint Commission, the bi-national body that oversees activity in the Great Lakes and other U.S.-Canada boundary waters concluded, “that increased shipping will bring heightened security risks” due to “terrorism, nuclear proliferation, illegal immigration and drug smuggling,” the negotiators urged “expeditious” action by Canada and the U.S. to identify shipping lanes, harmonize navigation rules, co-ordinate search-and-rescue protocols, collaborate to prevent or clean up oil spills, and share surveillance information across the polar frontiers of Alaska and Canada. The teams also recommended that the two countries “accelerate the acquisition of new icebreakers”.

Available at:

41. The Illulissat Declaration 2008

The five coastal Arctic States (Canada, Denmark, Norway, Russia and the USA) at the invitation of the Danish Minister for Foreign Affairs and the Premier of Greenland met at Illulissat, Greenland to hold discussions.

Regarding overall law and policy:

The five states recalled that the Law of the Sea provides an extensive legal framework and provides for important rights and obligations concerning the delineation of the outer limits of the continental shelf, the protection of the marine environment, including ice-covered areas, freedom of navigation, marine scientific research and other uses of the sea. They stated their committment to that framework and also stated that there is therefore “no need to develop a new
comprehensive international legal regim to govern the Arctic Ocean” and pledged to “keep abreast of the developments in the Arctic Ocean and continue to implement appropriate measures.”

Regarding protection of the Arctic:

“We will take steps in accordance with international law both nationally and in cooperation among the five states and other interested parties to ensure the protection and preservation of the fragile marine environment of the Arctic Ocean.” The states agreed to work through the International Maritime Organisation to strengthen existing measures and develop new measures to improve safety of maritime navigation and prevent or reduce the risk of ship-based pollution in the Arctic Ocean.

Regarding increased shipping:

Cooperation including the sharing of information is a prerequisite for addressing the challenges that come with the increased use of Arctic waters for shipping, tourism, research and resource development. The states agreed to promote safety of life at sea through bilateral and multilateral arrangements between or among relevant states.

Regarding cooperation with each other and other interested parties:

The states agreed to work to strengthen cooperation with each other interested parties through mutual trust, transparency and the timely exchange of data and analyses. Finally, they note that they will continue to contribute actively to the work of the Arctic Council and other relevant international fora.

Available at: http://www.oceanlaw.org/downloads/arctic/Illulissat_Declaration.pdf


The U.S. Geological Survey (USGS) completed an assessment of undiscovered conventional oil and as resources in all areas north of the Arctic circle. The methodology estimated the occurrence of undiscovered oil and gas in 33 geologic provinces thought to be prospective for petroleum. The sum of the mean estimates for each province indicates that 90 billion barrels of oil, 1,669 trillion cubic feet of natural gas, and 44 billion barrels of natural gas liquids may remain to be found in the Arctic, of which approximately 84 per cent is expected to occur in offshore areas. More than 70 per cent of mean undiscovered oil resources is estimated to occur in five provinces: Arctic Alaska, Amerasia Basin, East Greenland Rift Basins, East Barents Basins, and West Greenland-East Canada. More than 70 per cent of the undiscovered natural gas is estimated to occur in three provinces: the West Siberian Basin, the East Barents Basins and Arctic Alaska. The total mean undiscovered conventional oil and gas resources of the Arctic are estimated to be approximately 90 billion barrels of oil, 1,669 trillion cubic feet of natural gas, and 44 billion barrels of natural gas liquids.

Available at: http://pubs.usgs.gov/fs/2008/3049

43. Young, Oran R. 2008, ‘Whither the Arctic? Conflict or cooperation in the circumpolar north’ Polar Record vol.44 (0) pp.1-10.
This article explores the implications of biophysical changes in the Arctic for the pursuit of governance in the region. Young feels that the recent developments provide an excellent opportunity to reassess the effectiveness of existing arrangements and to enquire about the need for new forms of governance. The article does not support the claims of those who argue that a comprehensive, legally binding Arctic treaty is required at this time. Rather, it argues the case for a somewhat messier but more effective tripartite governance complex featuring an agreement to set aside without extinguishing claims to extended continental shelf jurisdiction on the part of the littoral states, an effort to adjust the character of the Arctic Council to meet emerging needs in the Arctic, and a push to devise issue-specific regulative regimes to address concerns involving shipping, fishing, and off-shore oil and gas development.

- A legally binding Arctic treaty is not likely to become politically feasible within the foreseeable future. Day to day implementation is often handled by agencies that have little knowledge of local conditions and lack close relations with stakeholders.

- Soft law arrangements, although not legally binding, are easier to adjust to change to shifting conditions.

- The underlying cause of problems in the Arctic comes from far south of the Arctic so the links between the Arctic and the rest of the world must be understood properly and managed accordingly.

- A tripartite governance complex would stabilize jurisdictional claims and boundary issues, enhance the role of the Arctic council and integrate the contributions of a collection of issue specific regulatory regimes.

- A set of collaborative arrangements dealing with environmental protection, shipping and so forth rather than a state system where focus is on asserting jurisdictional claims. Those jurisdictional claims should be frozen as with the Antarctic treaty.

- A cooperative arrangement based on concepts of trusteeship or stewardship is needed.

- The role of the Arctic Council should be enhanced and renewed.

- There should be enlarged opportunity for non-Arctic states such as China to participate and to be granted a recognized status in this governance system

- The Council can also play a role in ensuring that global bodies such as the IMO are well informed about conditions in the Arctic.

Available at:
http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=2937852

44. Tamburelli, Gianfranco 2008, “Notes on the Legal Regimes of the Polar Regions” in The Antarctic Legal System The protection of the environment of the polar regions (edited by Gianfranco Tamburelli) (Milano, Italy : Guiffre Editore)

Whereas the Antarctica has been the object of reports and resolutions of United Nations General Assembly (UN GA), no similar attention has been paid to the Arctic. Sovereignty issues in both regions are common concerns to both the Antarctica and the Arctic. The Antarctic legal system rejects any claims of sovereignty and places freedom of scientific research in the continent at the forefront, to which any member of the UN may accede. The Antarctic Treaty was further extended by the Madrid Protocol as a “natural reserve devoted to peace and science”. The
Arctic on the other hand is characterized by the attempt to find the balancing points between exploitation of natural resources, protection of the ecosystem and the traditional way of life. Both polar regions however, deal with environmental threats which come from outside their areas. Greenhouse gases are generated in countries far from the poles. In the Antarctic, the Madrid Protocol and its six Annexes provide a substantive framework in that region. By contrast, in the Arctic, no global or regional environmental agreement has an exclusive Arctic scope. An important question is whether the legislation of the eight Arctic states could be improved or whether it would be preferable to negotiate a regional treaty which is internationally binding.

45. UN News Centre 2008, ‘UN-backed scientific boat completes record-breaking drift across Arctic’ UN News Centre, January 22, viewed September 12 2010,


The United Nations supported polar research boat Tara spent over 500 days wedged in the pack ice of the Arctic Ocean, covering 5,200 kilometers in order to gauge the impact of global warming and pollution. In 2004, the Arctic Climate Assessment (ACIA), a 4 year scientific study by an international team of 300 scientists, provided clear evidence that the Arctic climate is warming rapidly. ACIA predicted that Arctic vegetation zones and animal species such as polar bears, walrus, ice-inhabiting seals, marine birds are all threatened.
The United States Reserve Officers adopted a resolution that opposes US ratification of the Law of the Sea Treaty. The following points state the reasons for concern and why the ROA urges the US Senate to deny ratification of the treaty.

“WHEREAS, there are valuable provisions in the Law of the Sea Treaty, there are also many provisions that cause concern; it is not enough to highlight the benefits of the treaty without weighing the commitments that would be the price for full American participation in this system;

WHEREAS, the Law of the Sea Treaty is a broad agreement including articles that affect the economy and the environment with the treaty covering seabed mining, navigation, fishing, ocean pollution, marine research, economic zones and in turn national security; and

WHEREAS, a fundamental premise of the treaty is that all un-owned resources on the ocean’s floor belong to the people of the world, and the treaty creates levels of paid bureaucracy and an International Seabed Authority (ISA) to control these resources; and

WHEREAS, the ISA will regulate deep seabed mining and redistribute income from the industrialized West to developing countries through arbitrary, excessive application fees, annual fees and royalties; costs of access to raw materials are likely to inhibit development, depress productivity, increase costs, and discourage innovation; and

WHEREAS, many activists view the treaty as a far reaching environmental accord; setting a global standard and providing enforcement mechanisms so that all countries are legally bound to protect the marine environment, protect fish stocks and prevent pollution; and

WHEREAS, ratification of the treaty may subject US Naval forces, and will subject U.S. maritime and coastal industry to international tribunal or arbitration during disputes predicated on the treaty as geo-politics differs from law; and

WHEREAS, the treaty does not introduce any new protections for safe navigation on the high seas, but can introduce new risks that could impact the sovereignty over and the economy supported by the sea; and

WHEREAS, the Constitution of the United States provides in Article VI that “All treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land” ratification may lead to international jurisdiction over U.S. interests;

NOW, THEREFORE, BE IT RESOLVED, that the Reserve Officers Association of the United States, chartered by Congress, urges the United States Senate, to deny ratification of the Law of the Sea Treaty.”

Available at: http://www.roa.org/site/PageServer?pagename=resolution_1004&AddInterest=1622

This report explores whether there is a need for strengthened and binding shipping regulations for the safety of navigation and protection of the Arctic marine environment. The various maritime, geo-political and legal issues raised by the IMO Guidelines for Ships Operating in Arctic Ice-covered Waters are analyzed and discussed. Following an introduction of navigational and legal issues within the Arctic context, the report explores key elements and structure of the Arctic Guidelines, the roles of the governments, the IMO and classification societies in the law-making process and any shortfalls of the current arrangement. The possible relevance for the Antarctic is also discussed. The key repercussions of a binding legal regime are then presented, while a separate section is devoted to recommendations on the subject.

The report lists legislation governing ice-covered waters in International law (Article 234 of the UNCLOS) and national law and lists all relevant national legislation for Arctic coastal states. It also mentions the IMO Guidelines. Legal deficiencies of non-binding instruments are pointed out as no states has implemented the IMO regulations through binding legislation for example, they remain recommendatory provisions only. The author questions whether mandatory regulations could replace treaty law satisfactorily. Binding Arctic regulations may have repercussions for non-regional states as the world merchant fleet consists of many vessels sailing under flags of convenience. IMO members may find it difficult to mobilize the necessary interest from flag states that are not much involved in Arctic shipping. There is however, a legal incentive for Arctic coastal states to implement a regional framework of cooperation. Part IX of UNCLOS advocates cooperation among coastal states that border enclosed or semi-enclosed seas. Arctic states would benefit from maintaining an ongoing dialogue with a view to harmonizing rules and standards. However, cooperation in the Arctic without the consent of all regional states will be difficult. Port state control is also an issue as this is what a compulsory regime would rely on. The port state would potentially undertake investigations and prosecute violation wherever they have taken place beyond national jurisdiction, as stated in Article 218 of UNCLOS. Extension of port state jurisdiction is also provided for in Article 211 (3) of UNCLOS where states are authorized to ‘establish particular requirements for the prevention, reduction and control of pollution of the marine environment’ as a condition for entry into their ports or internal waters, subject only to the requirement of publicity and communication to the IMO.

In a non-binding form, the Guidelines’ contribution to maritime safety in ice-covered waters seems rather limited. The regulations impose no legal obligations upon the member governments. In consequence, no state has yet incorporated the Guidelines through national legislation. However, the ultimate practical impact of the regulations depends on national acceptance and actual application, and not only which legal status they acquire upon adoption in global fora. Practical implementation of the Guidelines is, for instance, observed in Norway, where navigation instructors use the regulations for the purpose of training. Other examples cited above indicate that non-binding instruments very well might have a normative impact.

Available at: http://www.fni.no/doc&pdf/FNI-R0207.pdf
Indigenous people in the north have a long cultural history and strong identity linked to the landscape. The physical impacts of climate change are most extreme in the northern latitudes and global activities significantly affect people locally in remote regions. Remedies for environmental injustice will require strong cross-scale political and institutional linkages. These impacts, referred to as “internal colonization” raise the question of unequal distribution of burdens and benefits within more developed, or First World, countries.

In Canada, the Inuvialuit Final Agreement of 1984 provide cross-scale linkages through space and levels of organization that build adaptive capacity by connecting people on the level to regional, territorial and federal resource decision making institutions. Canada signed the Kyoto Protocol in 1997 and ratified it in 2002 agreeing to reduce carbon dioxide emissions by 6% of 1990 levels. The Aboriginal and Northern Community Action Program (ANCAP) provided C$30.7 million over four years for capacity building, training and implementation of energy efficiency and renewable energy initiatives. Co-management agreements for fish and wildlife allow for power-sharing, such as the Canadian Porcupine Caribou Management Board and the Inuvialuit Wildlife Management Advisory (Northwest Territories) have been implemented in Canada.

The indigenous people in the United States are “poorly positioned to affect change in the policy of the south”. The US has not signed the Kyoto Protocol and in Alaska, policy related to climate change has been limited to the establishment of the Climate Impact Assessment Commission in May 2006. Alaskan natives are “sovereigns without territorial reach” and lack institutional standing. The Alaska Eskimo Whaling Commission is an example however of a joint commission for resource management. The board has advisory rather than regulatory powers.

The article concludes by urging that cross-scale linkages are important, across geographic space and levels of organization. The indigenous peoples in Canada and the United States are currently experiencing a disproportionate burden of impacts. One of the most significant impediments to moving forward in developing strategies for mitigating and adapting to climate change in the arctic and sub-arctic is the absence of strong cross-scale institutional linkages between local impacts and regional, national and international climate policy.

Available at: http://www.informaworld.com/smpp/content~db=all?content=10.1080/13549830701657414

4. Common Objectives and priorities for the Norwegian, Danish and Swedish chairmanships of the Arctic Council (2006-2012), November 27, 2007

Regarding Climate Change:
Arctic Council Member States will be encouraged to share and discuss their experiences. Topics for discussion could include Member States experience of taking action to develop and implement local adaptation strategies for Arctic areas, of introducing local measures to reduce climate gases, of reviewing best practices and of developing and using renewable energy resources in the Arctic.

Regarding integrated management of resources:

It is of vital importance that high environmental standards are applied to all activities, and that all the use of natural resources is sustainable and ecosystem based. International cooperation is a prerequisite for sustainable development. A key objective for the next three chairmanships will be to enhance discussion on and promote the integrated management of natural resource use in accordance with high environmental standards. More work is also needed on the management of chemicals, to eliminate such threats to people and the environment as chemical waste and diffuse contamination. The chairmanships will continue to develop cooperation initiatives and will promote the exchange of experience and lessons learned in relation to prevention, preparedness and response in the Arctic.

Available at: http://arctic-council.org/article/2007/11/common_priorities


Re: Climate Change

The member states of the Arctic Council are currently responsible for approximately 30% of global anthropogenic greenhouse gas emission. The rapid changes also require Arctic societies to respond and adapt to the challenges of the changing weather conditions of the Arctic. Therefore the Arctic Council should play an important role in a systematic collection and reporting on Arctic climate change adaptation.

Re: Biodiversity

During the chairmanship, work will continue to support cooperation on Arctic biodiversity and the sustainable use of the Arctic’s living resources and to identify regional and interregional programs, treaties and conventions where cooperation is relevant.

Re: Megatrends in the Arctic

The major regional surveys and assessments completed under the work of the Arctic Council (eg Survey of Living Conditions of the Arctic, Arctic Climate Impact Assessment, Oil and Gas Assessment, Arctic Human Development Report) give a broad picture of needs and possibilities for environmental protection, prevention of human health effects and the sustainable development of the region. Reports may offer an outstanding platform for a description of the overall drivers in the Arctic and possible gaps in knowledge and the likely challenges of opportunities of Arctic societies over the next decade.

Re: Operation co-operation

The Ilulissat Declaration of 28 May 2008 underlines that cooperation among all interested parties including on the sharing of information, is a prerequisite for addressing future challenges. The capacity to respond to emergency crises in the Arctic should be improved. It would also be useful to explore how co-operation could be enhanced to further the development of guidelines in fields such as tourism, shipping and maritime safety, etc.
Re: The Arctic Council in a new geopolitical framework

Climate change creates new policy challenges on many levels for the Arctic region as the sea ice melts and there is a need to develop shared ideas for the future. The challenges calls for, in the view of many, for regional and international co-operation. Observers and ad hoc observers are assets and the Arctic Council should look for ways to further involve those that are ready to co-operate under the premise that the primary role of the Arctic Council is to promote sustainable development for the Peoples of the Arctic and the Arctic States.


Participants recognized that the 1982 United Nations Convention on the Law of the Sea (LOSC) forms the overarching framework for human activities in or affecting areas beyond national jurisdiction, but that a series of short-term and medium term measures are necessary to achieve effective protection of the marine environment and conservation and sustainable use of its resources.

Highlights of findings are:

Regarding Coordination and cooperation:

In the short term, the mandate of an existing agency or process such as the UN Informal Consultative Process on Oceans and Law of the Sea might be expanded to serve as an intergovernmental steering mechanism. Existing regional arrangements for marine environmental protection, resource conservation and maritime surveillance and enforcement could be strengthened and extended into proximate high seas areas, building on experience in the Antarctic, the North East Atlantic and the Mediterranean. The Global Environment Facility (GEF) might be encouraged to provide financial assistance to enhance management and conservation capacity in developing States.

Regional fisheries organizations might improve coordination though additional joint meetings as well as through flag State performance audits, port State and market State controls, and harmonized sanctions. In the medium term, regional organizations could develop into regional oceans management institutions, and a global mechanism could be established to review, coordinate and endorse programs and measures initiated at the regional level and by global sectoral bodies, as necessary.

Regarding Governance and regulatory gaps:

To address the gaps, participants identified a “toolbox” of solutions – ranging from short to medium term, voluntary to legally binding, sectoral to regional and global.

- Developing informal agreements and codes of conduct for unregulated activities;
- Establishing criteria for conducting flag State performance assessment, audit and evaluation;
- Enhancing of monitoring, control, surveillance, compliance and enforcement
- mechanisms;
- Establishing default mechanisms for interim regulation of new and emerging activities pending establishment of formal regulatory measures;
- Adopting, by the UNGA, of a Declaration on Principles of Oceans Governance
- reasserting the principles which have been developed in international law since the adoption of the LOSC;
- Convening of a high level Oceans Summit to focus attention on the need for enhanced protection of the oceans within and beyond national jurisdiction.

Regarding possible elements of a new global instrument:

- General principles reflecting modern governance and conservation norms;
- EIA and strategic environmental assessment requirements;
- Spatial and area-based management tools, including MPAs;
- Monitoring and assessment of the status of the marine environment and biodiversity minimum standards for competent international and regional organizations;
- Monitoring, control, surveillance, compliance and enforcement mechanisms;
- Institutional underpinning, including identification/establishment of at least an interim default authority to regulate activities not expressly covered by existing institutions as well as review of mandates of existing regional bodies;
- Consideration of developing States, including capacity building and cooperation to assist them in complying with their environmental responsibilities under the LOSC; The potential need for further specific annexes to assist in the implementation of the marine environmental responsibilities set out in the LOSC;
- Clarification of the relationship between the global framework and regional agreements.

Available at:


In recognition of International Polar Year, MPA News asks experts if there is an opportunity to establish a management regime across the Arctic and if so, what such a regime would look like.

Canadian Professor David Hik suggests a voluntary moratorium on resource exploitation:

“Perhaps the first step would be a voluntary moratorium on resource exploitation in the Arctic Ocean until (a) the UN Convention on the Law of the Sea (UNCLOS) claim
adjudication process is completed, and (b) a framework for discussion, protection, and development can be reached.”

Konstantin Zgurovsky is marine program coordinator for WWF-Russia and suggests that issues of enforcement and regulation be done through a comprehensive Arctic treaty.

“Ideally, something like the Antarctic Treaty system would be desirable to tackle emerging environmental and resources issues across the Arctic Ocean as whole. However, politically it is not achievable in the near future, considering the contradictory interests of different countries in the Arctic. But the Arctic Council should be made stronger, and cooperation between countries, international bodies, and NGOs should be considerably intensified.”

Professor of Biology at Laval University suggests designating the entire Canadian Arctic territory as an MPA:

“Given that the Canadian Arctic Ocean has been relatively little-used before except for traditional Inuit use and oil/gas exploration, you do not have to kick out any well-established fishing or shipping industry. Hence, instead of delineating MPAs within the Canadian Arctic Ocean, I would make it an enormous MPA, within which I would delineate less protected areas. First of all, you would need to protect, as much as possible, the traditional rights of the Inuit and limit the harvesting of wildlife for them only in blatant cases of overexploitation and with their negotiated agreement (as is done with the polar bear and the beluga in some regions of the Canadian North). Then some areas would be opened to some activities — for example, the Northwest Passage to navigation; different regions for tourism; some sectors of the western Arctic for oil and gas exploration/exploitation.”

Available at: [http://depts.washington.edu/mpanews/MPA88.pdf](http://depts.washington.edu/mpanews/MPA88.pdf)


This Agreement traces delimitation line between the Russian Federation and the Kingdom of Norway in the Varangerfjord area, including EEZ, continental shelf and other maritime zone established in accordance with the international legislation. The delimitation line shall conform to the sea frontier set by Agreement between the Royal Norwegian Government and the Government of the Union of Soviet Socialist Republics concerning the sea frontier between Norway and the USSR in the Varangerfjord of 1957.

Available at:


9. The Norwegian Government’s Strategy for the High North

In this comprehensive policy for the High North, the Norwegian government sets out a policy “to create sustainable growth and development” in the High North. The policy focuses on utilizing opportunities for international cooperation on the use of natural resources, environmental management and research with the Russian Federation, Europe and North American partners. The main priorities for the strategy are:
- Exercising authority in a credible, consistent and predictable ways
- strengthen the knowledge infrastructure in the region
- set and maintain strict environmental standards
- provide a suitable framework for further development of petroleum activities in the Barents Sea
- safeguard the livelihoods, traditions and cultures of indigenous peoples in the High North
- further develop people-to-people cooperation in the High North
- strengthen cooperation with Russia

Available at:


http://www.regjeringen.no/upload/UD/Vedlegg/strategien.pdf


This paper examines the state of the Arctic, the current threats to the environment and the existing legal regime. It also critically assesses the current regime and offers possible policy options.

The multiple environmental challenges that persist originate both within and outside the Arctic. Immigration, unsustainable use of Arctic resources, loss of biological diversity, ozone depletion, deposition of long distance air borne pollution, contamination from persistent organic pollutants, tourism and military and nuclear activities are amongst those threats to the region. Global warming and melting ice present further problems. Fish stocks are moving north, causing collapse of traditional fishing grounds, the shipping season has been lengthened due to less ice cover and oil and gas exploitation possibilities are all dangers as a resulting of melting ice.

Socioeconomic consequences stem from such dangers such as land and resource ownership concerns and unsustainable use of natural resources. The onus is on the eight Arctic states to address the threats in a domestic and international fashion.

The present legal situation:

Domestic: Each of the eight Arctic states has their own environmental issues which are tackled in a domestic fashion. However, a systematic analysis of the domestic legal regime in addressing environmental challenges has never been made. Research also shows that there is a lack of uniformity in addressing certain issues.

Regional level: The 1991 Arctic Environmental Protection Strategy (AEPS) did not impose legal obligations but served as a first important tool for Arctic states to initialize objectives collectively. The specific objectives of the AEPS are: to protect the Arctic ecosystems, including humans; to provide for the protection, enhancement and restoration of environmental quality and the sustainable utilization of natural resources; to recognize and seek to accommodate the traditional and cultural needs; the review the state of the Arctic environment
regularly and to identify, reduce and as a final goal, eliminate pollution. To implement these objectives, the Ministers of the Arctic States decided to hold regular meetings to assess progress made. They also agreed to work cooperatively with Arctic indigenous peoples and invited three indigenous organizations as observers. Four working groups were also established to carry out the scientific work on the Arctic environment: Arctic Monitoring and Assessment Programme (AMAP), Protection of the Arctic Marine Environment (PAME), Emergency, Prevention, Preparedness and Response (EPPR) and Conservation of Arctic Flora and Fauna (CAFF).

The 1993 Nuuk Declaration added a task force on sustainable development. In 1996, the work of AEPS was absorbed into the Arctic Council which is described as a multi-stakeholder Forum with the eight Arctic Member States represented on the Council by Senior Arctic Officials. The Arctic Council is unique in providing indigenous people the status of Permanent Participants and aim to integrate indigenous communities into its process. Permanent Participants are not formal members however, and are not entitled to vote. Observer status has also been granted to non-Arctic states, intergovernmental and inter-parliamentary organizations, global and regional and non-governmental organizations. The article describes the workings of the Arctic Council and the six working groups of the Arctic Council and the work that they carry out. As a high-level region-wide intergovernmental forum, the Arctic Council provides a forum for Arctic governments and people to address the common concerns and challenges. It describes itself as a “regional forum for sustainable development, mandated to address all three of its main pillars: the environmental, social and economic.”

Global Conventions: The article mentions come of the global conventions that contain provisions which apply to the Arctic such as CBD and the Convention on Long Range Transboundary Air Pollution and the Stockholm Convention on Persistent Organic Pollutants. It refers to Linda Nowlan’s IUCN publication “Arctic Legal Regime for Environmental Protection” as a source for reading a more detailed and general picture.

Conclusions:

- A strong call has been made for a more powerful regional instrument than the one presently supporting the Arctic Council.

- Improved regional arrangements should be based on legally binding commitments, be comprehensive in character and permit a well orchestrated decision-making process at the regional level.

- A sectoral approach could be an alternative approach which could happen in a case by case or issue by issue basis and in parallel to a strengthening of the Arctic Council in a number of ways, organizational as well as substantive.

- A decision on proceeding on Arctic governance must be supported by political will and it is necessary to bring the USA on board to achieve results and build support.

- An issue oriented analysis has been suggested and could be the best way forward given the political and legal challenges. This has already been suggested by a meeting of experts convened by IUCN Commission on Environmental Law in 2004.

11. McRae, Donald 2007, ‘Behind the Headlines Arctic Sovereignty? What is the Stake?’, Canadian Institute of International Affairs, Volume 64, Number 1.
This article discusses Canadian Arctic sovereignty over both Arctic land and waters. With the exception of Hans Island, there is no challenge to Canada’s sovereignty over land. However, it is noted that the Report of the Royal Commission on Aboriginal People chronicled the failure of the governments to respond to the needs of the adequately to the needs of indigenous peoples. The issue of sovereignty over waters is more complex and governed by the 1982 Convention on the Law of the Sea. The article suggests also that a basis for claiming the waters between the islands of the Canadian archipelago is that they are the internal waters of Canada based on historic title. Two things could be potentially challenged. First, Canada’s claim that the waters of the Canadian Arctic archipelago are the internal waters of Canada could be challenged. Secondly, it could be claimed that the Northwest Passage have the status of an “international strait” with a consequent right for international shipping to pass through those waters. The author predicts the outcome of litigation of that nature and considers what Canada could do to strengthen its position.

Available at:  http://www.highbeam.com/doc/1G1-158959250.html


This is a universal human rights instrument to recognize the rights of indigenous people around the world, including those living in the Arctic.


The Nordic Sami Convention is an international human rights convention with the object “to confirm and strengthen such rights for the Sami people as to allow the Sami people to safeguard and develop their language, culture, livelihoods and way of life with the least possible interference by national borders.”

This group of articles addresses the articles in the convention, how the draft convention relates to the Finnish constitution and international human rights standards and also discusses the right of self-determination, which constitutes the basis for the recognition of all other rights of indigenous peoples.

Available at: http://www.galdu.org/govat/doc/samekoneng_netth.pdf

This seminar was co-organized by UNEP/GRID-Arendal and the Standing Committee for Parliamentarians of the Arctic Region (SCPAR) and co-sponsored by the Nordic Council of Ministers. 70 participants from international organizations, countries, indigenous peoples, convention secretariats and non-governmental organizations came together in Arendal, Norway on 21-22 September 2006 to discuss the relevance of Multilateral Environmental Agreements (MEAs) to the Arctic region.

The MEAs which the report looks at are:

- Convention on Biological Diversity
- Ramsar Convention on Wetlands
- Convention of the Conservation of Migratory Species of Wild Animals
- The Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA)
- The Convention of International Trade in Endangered Species of Wild Flora and Fauna (CITES)
- The Stockholm Convention on Persistent Organic Pollutants
- Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal
- Convention on Long-Range Transboundary Air Pollution
- The UNEP Regional Seas Programme (UNEP/RSP)
- Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR)
- Global Programme of Action for the Protection of the Marine Environment from Land based Activities (GPA)
- United Nations Convention Framework Convention on Climate Change (UNFCCC)
- Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on substances that deplete the Ozone Layer
- Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)
- Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)
- Convention concerning Indigenous and Tribal Peoples in Independent Countries (ILO 169)
The report looks at the overall effectiveness, including strengths and weaknesses, of the regime created through MEAs in matters related to Arctic biodiversity and identify potential areas for improvement. The report will also include recommendations to improve the effectiveness of the MEAs and tools for monitoring the implementation of MEAs. The seminar resulted in the participants agreeing on a set of recommendations, for the national and international community, on improving the legal regime for the Arctic and strengthening the existing frameworks.

Available at:  

2. Standing Committee of the Parliamentarians of the Arctic Region 2006, Seventh Conference of Parliamentarians of the Arctic Region, Kiruna, Sweden, August 2-4, 2006

Representatives of Canada, Denmark/Greenland, the European Parliament, Finland, Iceland, Norway, Russia and Sweden met in Kiruna, Sweden to discuss shared responsibilities and opportunities related to the Arctic region. The Conference Statement makes note of the following issues and themes: the visible consequences of climate change which influence the living conditions of human beings, especially indigenous people and the regions flora and fauna, increased shipping activities and exploitation of resources due to climate change, cultural diversity in the Arctic, international cooperation regarding sustainable development, climate change and biodiversity, the ecosystem of the Arctic is vulnerable to pollution, over-exploitation and developmental strains and is under pressure.

The Statement asks governments of the Arctic Region and Institutions of the European Union to:

- Use the debate surrounding the ACIA statement to promote awareness of the Arctic as an example of climate change on an international level.
- Ensure that concrete policy proposals follow up on ACIA proposals and also to put in place follow up reports at regular intervals (5-10 years)
- Ensure financial resources in place for research and monitoring to observe climate change and pollution
- Promote research, exchange of experiences and good practices as a means to supporting Arctic residents to sustain health, culture, well-being and economic life.
- Intensify efforts to reduce Co2 emissions
- Ensure openness to data and accessibility to geographical areas throughout the region
- Carry out the Arctic Marine Shipping Assessment and ensure that it covers past, present and future activities of indigenous peoples.
- Ensure that natural resources are exploited in a sustainable manner

Available at:  http://www.arcticparl.org/reports.aspx?id=2988&p=3
3. Salekhard Declaration on the occasion of the tenth Anniversary of the Arctic Council, Fifth Arctic Council Ministerial Meeting, Salekhard, Russia, October 26, 2006

The Council welcomed the increased visibility of the Arctic issues and their global importance in the international arena and emphasized the importance of circumpolar and international cooperation as being fundamental to addressing circumpolar challenges. Amongst topics discussed were Climate Change in the Arctic, International Polar Year 2007 – 2008, Sustainable development, Arctic monitoring and assessment, action on contaminants in the Arctic, conservation of arctic flora and fauna, emergency prevention preparedness and response, protection of the Arctic marine environment. Observer States were welcomed and acknowledged including Spain, France, Germany, the Netherlands, Poland and the United Kingdom.

Climate Change:
- Noted that all eight Arctic states are Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and members of the Intergovernmental Panel on Climate Change (IPCC) and reiterated full support for the work of those bodies.

Sustainable Development
- Welcome cooperation between the AC and the UN-HABITAT aimed at sustainable development of human settlement.

Contaminants
- The participation of UNEP Chemicals and UNDP in implementation of ACAP Projects in the Russian Federation is welcomed.
- Agree to intensify the efforts to achieve global cooperation, inter alia, through UNEP Mercury Partnership Program.
- Welcome the work of ACAP to reduce releases of PCBs, obsolete pesticides, dioxins and furans, mercury and brominated flame retardants to further support implementation of the Stockholm Convention, the POPs and Heavy Metals Protocols of the UN/ECE Convention on Long Range Transboundary Air Pollution, and other hazardous chemicals initiatives.

Conservation of Arctic Flora and Fauna
- Endorse long term monitoring of Arctic biodiversity to provide policy makers with the information needed to accurately assess the impacts from global environmental change.
- Endorse the 2010 Arctic Biodiversity Assessment as a major contribution international conventions and agreements in regard to biodiversity conservation; providing policy makers with comprehensive information on the status and trends of Arctic biodiversity.

Available at:

This paper was presented during the second Plenary session of the NRF Open Meeting entitled: “Plenary Session II: Borders, Barriers, Interactive Cultures and Borderlands – Is the North Becoming a Common Borderless Space?”. While the concept of a borderless North is attractive, offering free movement of people, goods and information amongst the region’s states, coastal Arctic states however need to be vigilant of “erosions to their sovereign rights in the offshore.” “Arctic states would benefit from by maintaining an ongoing, wide-ranging dialogue with a view to harmonizing their values and perceptions, and to devising appropriate strategies for dealing with collectively and effectively with common problems in the offshore.” Marine scientific research..would no doubt benefit from a greater spirit of openness and cooperation in the Arctic: the outcome of such a collaborative activity would substantially increase our understanding of the region, and would contribute towards the establishment of a solid foundation for decisions that affected the social, economic and environmental wellbeing of northern societies.”

Available at:

http://www.nrf.is/Publications/The%20Borderless%20North/Second%20Theme_Macnab.pdf


This booklet describes 13 of the most important conventions that involve the Nordic countries in different ways - and which the Nordic countries in many cases have helped prepare.

- Convention on Biological Diversity
- CITES Convention
- Ramsar Convention
- Bern Convention
- Bonn Convention
- Whaling Convention
- Helsinki Convention
- OSPAR Convention
- World Heritage Convention
- European Landscape Convention
- Granada Convention
- Malta Convention and
- Aarhus Convention

There is a short description of the historical background for the conventions. The most important provisions and their relevance to the Nordic countries are also described. In addition, the booklet contains a summary of which Nordic countries have adopted the individual conventions and references to sources of further information.

Available at:

6. The Utqiagvik Declaration 2006, Inuit Circumpolar Council

The Utqiavik Declaration was signed by the Inuit of Alaska, Canada, Greenland, and Russia on the occasion of the 10th General Assembly of the Inuit Circumpolar Conference, 9-13 July, 2006, Utqiavik, Alaska. The thirty-three clauses in the declaration center around Inuit rights, protection of Inuit knowledge, advancing health care for Inuit, protection of indigenous property rights and to support the implementation of the Convention on Biological Diversity and the adoption of the draft UN Declaration of the Rights of Indigenous Peoples.

Available at:

Two projects funded by the EU’s Sixth Framework Research Programme (FP6) known as DAMOCLES and IPY-CARE hope to research climate change in the Arctic.

DAMOCLES - Developing Arctic Modeling and Observing Capabilities for Long-term Environmental Studies - is the first large international project in polar research and aims to reverse the effects of global warming in the Arctic region. It got under way in early 2006 as a five-year Integrated Project and a consortium of 45 organizations, including ten small and medium-sized enterprises (SMEs), from 12 European countries. The mission aims to provide scientific data specifically concerning the potential for a significantly reduced sea ice cover, and the impacts this might have on the environment and on human activities, both regionally and globally. (www.damocles-eu.org/)

It is intended that DAMOCLES and data streams emanating from research will be tied to the project IPY-CARE. This is another FP6’s polar research project, named IPY-CARE as ‘Climate of the Arctic and its Role for Europe (CARE) and because it is a European component of the International Polar Year’ (IPY). The project will play a key coordinating role by organizing groups of experts drawn from regional, national and international polar research projects across Europe. The experts’ goal is to create and prepare a pan-European science and implementation plan for Arctic climate change as a contribution to the International Polar Year. A consortium of 19 scientific institutions from 13 countries, including Russia, will organize the conferences and meetings to prepare and coordinate the research projects. “Polar research is spread out all over the map – national, international – and needs a more coherent approach,” said Ole Johannessen, IPY-CARE’s coordinator. (http://www.ipy-care.org/)

Available at: http://ec.europa.eu/research/environment/newsanddoc/article_2993_en.htm

Ministers representing the eight Arctic states met to discuss the following topics: Circumpolar and international cooperation on sustainable development, climate change in the Arctic, human development in the Arctic, taking action against pollutants, protecting the Arctic marine environment, emergency prevention preparedness and response, biodiversity conservation, and the financing of Arctic Council activities. France, Germany, the Netherlands, Poland the United Kingdom were approved as observers to the Council.

Action Items:

Circumpolar and International Cooperation on Sustainable Development

- The importance of circumpolar and international cooperation is emphasized as being fundamental to addressing circumpolar challenges and the Arctic Council is encouraged to strengthen its relations with international organizations, parliamentarians and regional authorities.

Climate Change in the Arctic

- Acknowledge that the findings of the ACIA will help to inform governments as they implement and consider future policies.

Available at: [http://arctic-council.org/filearchive/Reykjavik_Declaration.pdf](http://arctic-council.org/filearchive/Reykjavik_Declaration.pdf)


The ACIA was established and adopted at the Barrow Ministerial Meeting of the Arctic Council in October 2000 requesting it to “evaluate and synthesize knowledge on climate variability and change and increased ultraviolet radiation, and support policy-making processes and the work of the Intergovernmental Panel on Climate Change (IPCC); further request that the assessment address environmental, human health, social, cultural and economic impacts and consequences, including policy recommendations.”

A team of 300 leading Arctic researchers, indigenous representatives and other experts from fifteen nations has completed work on the ACIA. An overview document “Impacts of a Warming Arctic” was designed in order to accessible to the layperson and policy maker. Ministers of the Arctic Council Meeting in Inari in October 2002 welcomed the progress of the ACIA as “enhancing early capacity building to mitigate and adapt to the effects of climate change.”

“The ACIA is the world’s most comprehensive and detailed regional climatic and ultraviolet radiation assessment to date and documents impacts that are already felt throughout the Arctic region.”

The authors of the overview document of the ACIA identified the following ten key findings:
1. The Arctic climate is now warming rapidly and much larger changes are projected.
2. Arctic warming and its consequences have worldwide implications.
3. Arctic vegetation zones are projected to shift, bringing wide-ranging impacts.
4. Animal species' diversity, ranges, and distribution will change.
5. Many coastal communities and facilities face increasing exposure to storms.
6. Reduced sea ice is very likely to increase marine transport and access to resources.
7. Thawing ground will disrupt transportation, buildings, and other infrastructure.
8. Indigenous communities are facing major economic and cultural impacts.
9. Elevated ultraviolet radiation levels will affect people, plants, and animals.
10. Multiple influences interact to cause impacts to people and ecosystems.

**Arctic Climate Policy Actions:**

In responding to climate change, Member States are taking two actions; mitigation and adaptation.

**Mitigation**

Timely, measured and concerted action is needed to address global emissions. The Senior Arctic Officials recommended the following to Ministers of the Member States:

- That Ministers should consider the findings in the ACIA and adopt climate change mitigation strategies including addressing greenhouse gas emissions and limiting them in the long term.
- That Arctic states promote the development and adoption of appropriate energy sources, uses, technologies and efficiencies.

**Adaptation**

Special attention needs to be paid to strengthening the adaptive capacities of Arctic residents. The Senior Arctic Officials recommended to Ministers that the Member States:

- That they work closely with Arctic residents, including indigenous and local communities, to help them to adapt to and manage the environmental, economic and social impacts of climate change. Arctic residents may need inter alia enhanced access to information, decision makers, and institutional capacity building to safeguard their health, culture and well-being.
- Recognize that opportunities related to climate change, such as increased navigability of sea routes and access to resources, should be developed and managed in a sustainable manner, including through the consideration of environmental and social impacts and taking appropriate measures to protect the environment, local residents and communities.
- Implement adaptive management strategies for Arctic ecosystems, making use of local and indigenous knowledge and participation, review nature conservation and land and resource use policies and programmes, and to the extent possible reduce risks related to infrastructure damage, permafrost degradation, floods and coastal erosion, taking into account costs and benefits.

1. The Inari Declaration on the occasion of the Third Ministerial Meeting of the Arctic Council, October 10 2002

Ministers representing the eight Arctic States convened in Inari, Finland for the third ministerial meeting of the Arctic Council. There was an increased focus on climate change, sustainable use of resources and human development in the Arctic. Commitments were declared toward improving human conditions in the Arctic, taking action against persistent organic pollutants, recommended biodiversity conservation and sustainable use of natural resources, discussed climate change, declared the Arctic Council to be a partner in international cooperation, recognised capacity building amongst Arctic people as an important circumpolar cooperation, called for efficiency, prioritisation and interaction.

Available at: http://arctic-council.org/filearchive/inari_Declaration.pdf


The Guidelines for ships operating in Arctic ice-covered waters are intended to address those additional provisions deemed necessary for consideration beyond existing requirements of the SOLAS Convention, in order to take into account the climatic conditions of Arctic ice-covered waters and to meet appropriate standards of maritime safety and pollution prevention. The Guidelines aim to promote the safety of navigation and to prevent pollution from ship operations in Arctic ice-covered waters, and are currently recommendatory.

Available at: http://www.imo.org/includes/blastDataOnly.asp/data_id%3D6629/1056-MEPC-Circ399.pdf


The Arctic strategy is envisioned as a framework in which components of IUCN’s programme organize and coordinate their efforts to optimize the Union’s impact in the Arctic.

The Strategy intends to address mainly the area encompassed by the Conservation of Arctic Flora and Fauna (CAFF) Working Group of the Arctic Council.

Two hundred and seventy nine species of birds breed in the Arctic and all obtain some measure of protection under one or more major international agreements. (Ramsar Convention, CITES, Bonn Convention, African Convention, Bern Convention, EEC Wild Birds Directive, African-Eurasian Waterbird Agreement, Asia-Pacific Migratory Waterbird Conservation Strategy). Twelve species of birds are threatened and listed in the IUCN Red List. Current specialist groups which are presently engaged in the Arctic are the Polar Bear Specialist Group, the Seal Specialist Group and Cetacean Specialist Group.

The long term strategy of the IUCN in terms of the Arctic is to promote a legal and policy enabling environment among Arctic stakeholder nations for conservation and sustainable development.

Long-term outcomes are:
- Policies governing conservation and development in the Arctic are harmonized, synergies between key arguments, processes and policies are enhanced as a result of advocacy in arctic fora;

- Circumpolar, regional and national policies, legislation and governance structures incorporate incentives favouring conservation and sustainable use of biodiversity;

- Equity components of global, regional and national conservation policies, agreements and frameworks are strengthened; and bilateral and multilateral linkages between IUCN members are supported and enhanced in the Arctic.

4. The Kuujjuaq Declaration 2002, Inuit Circumpolar Council

Russian, Alaskan, Canadian, and Greenland Delegates to the 9th General Assembly of the Inuit Circumpolar Conference, signed the Kuujjuaq Declaration in August 2002. The Declaration contains clauses related to Inuit human rights, Inuit hunting rights, the need to keep the environment safe from transboundary pollutants (POPs) and heavy metals, rapid climate change and unsustainable development, the need for governments to enact legislation and implement multilateral agreements that will reduce environmental damage and mitigate human health problems in the Arctic amongst others.

Available at:


This dissertation specializes in the applicability of international law in the Arctic.

Available at:
http://www.arcticcentre.org/?DeptID=2191
1. Russian Submission to the Commission on the Limits of the Continental Shelf (CLCS) 
   December 20, 2001

   On 20 December 2001, the Russian Federation made a submission through the Secretary- 
   General of the United Nations to the Commission on the Limits of the Continental Shelf, 
   pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea of 
   10 December 1982. The submission contains the information on the proposed outer limits of the 
   continental shelf of the Russian Federation beyond 200 nautical miles from the baselines from 
   which the breadth of the territorial sea is measured. It is noted that the Convention entered into 

   Available at:


2. Consultation Document on IUCN Arctic Strategy, July 2001

   This document is consultation on a proposed IUCN Arctic Strategy and is a situation analysis of 
   key Arctic issues, institutions and potential niche for IUCN. Three main questions are 
   examined:

   Question 1: Trends and issues – Is the IUCN identifying the issues and trends that are 
   significant and/or critical in the Arctic? Are there any other significant trends that should be 
   added?

   Question 2: Institutions – Has the IUCN missed any institutions (NGOs, government agencies, 
   etc) doing significant work on conservation issues in the Arctic?

   Institutions listed include the following:

   Intergovernmental actors: Arctic Council and the Northern Forum (circumpolar groups), 
   Barents Euro-Arctic and Nordic Councils, Council of the Baltic Sea States, Barents Regional 
   Council (regional-based groups), International Whaling Commission (IWC).

   Marine Fora: Convention for the Protection of the Marine Environment of the North-East 
   Atlantic (OSPAR Convention), First Convention on the Protection of the Marine Environment 
   of the Baltic Sea, Baltic Marine Environmental Protection Commission, North Sea Commission, 
   Baltic Sea Commission, North Atlantic Marine Mammal Commission (NAMMCO).

   Scientific and Research Organizations: International Arctic Science Committee, University of 
   the Arctic, UNEP/GRID-Arendal, UNEP-WCMC, Canadian Arctic Resource Committee 
   (CARC).

   Indigenous Peoples’ Organizations: Russian Association of Indigenous Peoples of the North 
   (RAIPON) Inuit Circumpolar Conference (ICC), the Saami Council, Aleut International 
   Association, Arctic Athabaskan Council, Gwich’in Council International, Indigenous Peoples’ 
   Secretariat (IPS).
Non-governmental Actors: WWF-International Arctic Programme, Circumpolar Conservation Union (CCU).

Other Initiatives: Standing Committee of Parliamentarians of the Arctic Region.

Question 3 - IUCN Arctic Niche: Given the issues, trends and IUCN strengths and functions identified in this document and given the work done by IUCN in other ecosystems, which of IUCN’s roles or functions would offer the greatest comparative advantage (or niche or valued added) for work done in the Arctic?

The IUCN Quadrennial Programme 2001 – 2004 is a framework into which will be set detailed annual work programmes in order to reach IUCN Conservation Goals, which are facing the extinction crisis and restoring and maintaining ecosystem integrity. It is built on the belief that the Union must focus its efforts and resources on a limited number of priorities. The Quadrennial Programme is thus designed to focus on 60 activities which target seven large areas of work called Key Result Areas (KRA) Key Result Areas 2 concerns “Agreements, processes and policies” and environmental law is outlined as a key specialty area for the IUCN.

“Environmental Law is an IUCN speciality area and a source of technical advice on all aspects of environmental law and capacity building. The IUCN Environmental Law Centre, part of the Law Programme, maintains an extensive law information system, and work closely with the Commission on Environmental Law (CEL), a network of environmental law and policy experts from all regions of the world. The Law programme has recently completed a review of Arctic legislation.”


Prepared by the UNEP and UNEP/GRID-Arendal, POPs Secretariat, UNEP, Geneva, Switzerland.

Arctic States signed: Canada, Denmark Excluding Faroe islands and Greenland, Iceland, Finland, Norway, Russia, Sweden and USA

The Stockholm Convention is a global treaty to protect human health and the environment from persistent organic pollutant (POPs). POPs are toxic chemicals circulate globally and remain intact in the environment for long periods and accumulate in the fatty tissue of living organisms. To implement this Convention, governments must take steps to eliminate or reduce the release of POPs into the environment. 12 of the most toxic POPS are banned under this Convention, including DDT, PCBs and toxaphene.

Issues Affecting the Arctic:

The Stockholm Convention is strongly linked to arctic issues in various ways and POPS pose a particular threat to indigenous people in terms of contamination of their traditional foods. The Arctic Indigenous Peoples’ Organisations participated throughout the treaty negotiations as did Arctic Council member states.

Arctic Monitoring and Assessment Programme (AMAP) reports on arctic pollution show that mercury pollution is an increasing concern for the arctic environment. Recent research shows that the Arctic may act as a global sink for atmospheric mercury. Human exposure to mercury is closely related to traditional food of marine origin in some parts of the Arctic.

Relevant Activities:
UNEP Chemicals has initiated a Global Network for Monitoring of Chemicals. UNEP’s global assessment programme focusing on POPs and other Persistent Toxic Substances (PTS) as well as UNEP’s country support programme on POPs.

Need for future work:

Pollutant concentrations in arctic fauna have been studied in a limited number of species and there is a need to do so on different concentrations of POPs on a range of biota. Article 16 of the Convention requires that it’s effectiveness be evaluated 4 years after entry into force. Data from the Antarctic should be used to inform on hazard and risk assessment. The effects of climate change on the ecosystem should be closely followed, including mechanisms and impacts of possible re-distribution of pollutants within the ecosystem.

Available at: http://chm.pops.int/


This paper examines the adequacy of the current arctic environmental legal regime and whether it is sufficient to protect the Arctic. It also considers whether there is a need for a new arctic environmental agreement and looks at the arguments for and against such a treaty. It examines the similarities and disparities between the legal regimes governing the Arctic and Antarctic polar regions.

The report compares the Antarctic Treaty System (ATS) to the underdeveloped Arctic legal regime. The Antarctica model is purely environmentally focused due to the absence of an indigenous population and land-based industrial and resource uses. There is no need to balance conservation and economic development. The people residing in the Arctic require economic activity for survival, yet wealth accruing from natural resources does not benefit local populations and serious social problems persist such as poverty, unemployment, drug and alcohol abuse. Industrial use has resulted in environmental degradation. A new Arctic treaty would need to consider indigenous rights, societal needs and economic activity. It has the potential to become a different kind of model regime, a testing ground for a new exemplar of regional environmental agreement that recognizes human society and economic activity.

The current laws in place at global, regional and national level are assessed to determine whether they are adequate to cover the facets of environmental problems affecting the Arctic. Those environmental issues in the Arctic include the deposition of contaminants to the Arctic ecozones through long-range transport in the atmosphere; Mining, tourism and military activity are issues at regional level; Warming ocean temperatures which dramatically impacts wildlife and Arctic peoples; Radioactivity, persistent organic pollutants, acidification, oil pollution and heavy metals are of concern; Overharvesting of fish and marine mammals, overgrazing by reindeer are resource management problems; Mines, nuclear plants and hazardous plants are other problems; and Resource extraction is on the increase. The report notes that the legal regime is weak when considering the protection of species and diversity of the Arctic.

The paper discusses and evaluates the regional legal regime. It discusses AEPS, the establishment of the Arctic Council and the role of indigenous people in the Arctic Council as Permanent Participants. Other arctic governance initiatives are documented such as the Arctic Council, the Nordic Council, the Saami Council, The Inuit Circumpolar Conference, the International Arctic Science Committee (IASC), the Northern Forum, the North Atlantic Marine Mammal Commission (NAMMCO) and the Council of the Barents Euro-Arctic Region.
(BEAR). The six Arctic Council Working Groups are described in detail and the effectiveness of the Arctic Council is assessed.

Arguments for and against a region wide treaty for the Arctic are presented. The soft law agreements of the Arctic Council and the mandates of the Arctic Council working groups may provide the basis for formulating a treaty agreement. A new agreement should reflect the sustainable development angle adopted by the Arctic Council. An expanded role for traditional ecological knowledge could also be included in addition to the use of impact and benefit agreements, which would allow resource development to proceed in a way that is sustainable and beneficial for the residents of the region.

Available at: http://data.iucn.org/dbtw-wpd/edocs/EPLP-044.pdf

5. Program for the Icelandic chair of the Arctic Council 2002-2004

The intention of Iceland for its chairmanship of the Arctic Council is to strengthen sustainable development in the Arctic region and emphasize cooperation on the social, economic and cultural aspects of sustainable development. A broad based assessment of human development will be carried out. Support will be given to the University of the Arctic to encourage information dissemination and information technology. There will also be a focus on increasing scientific knowledge of sustainable development. Iceland also pledges to continue the work of the Arctic Council and its Working Groups, namely Arctic Climate Impact Assessment (ACIA).

Available at: http://arctic-council.org/member_state/iceland

This resolution recognizes the circumpolar Arctic as a priority ecosystem for IUCN and also the need for an IUCN Arctic Strategy and Action Plan, which would complement the work of the Arctic Council and must address IUCN’s Key Result Areas in the Overall Programme. Attention should be given to:

- integrated ecosystem management and ecological integrity and environmental security in the Arctic, notably inter alia, the conservation and management needs of species and habitats, to protected areas, to the northern timberline forests, to the Arctic marine environment, and to pollution;
- the rights, needs and involvement of Arctic indigenous peoples, their dependence upon, and traditional knowledge of, the sustainable use of natural resources;
- the needs of other permanent residents in the Arctic, and their involvement in IUCN activities.


2. **Barrow Declaration on the occasion of the Second Ministerial Meeting of the Arctic Council, October 13, 2000.**

Ministers representing the eight Arctic States convened in Barrow, Alaska, USA for the third ministerial meeting of the Arctic Council. The Council endorsed and adopted the activities of the working groups, the Arctic Council’s Sustainable Development Framework document and declared that the AC will play a major role in promoting sustainable development throughout the Arctic. Further, they endorsed and adopted the AC Action Plan to Eliminate Pollution of the Arctic (ACAP), the Arctic Climate Impact Assessment ACIA and established a Steering Committee to coordinate the ACIA. They requested that the ACIA support policymaking processes and the work of the Intergovernmental Panel on Climate change.

They called upon the United Nations Environment Programme to initiate a global assessment of mercury which could form the basis for appropriate international action in which the Arctic States would participate actively.

The Council also encouraged those Arctic States to ratify the UN ECE Protocols on heavy metals and on persistent organic pollutants to take all appropriate steps to become parties to the two protocols.

The Council declared that completion and early ratification of a global convention on persistent organic pollutants is important to all Arctic States and decided to strengthen efforts to finalise a comprehensive convention at the Intergovernmental Negotiating Committee scheduled for South Africa in December 2000. The Council called on Arctic States to accede to, ratify and implement relevant existing agreements designed to protect and restore the Arctic environment and to identify gaps where needed.


In this report, EPPR analyzed the following existing agreements and made the below findings:

- International Convention for the Prevention of Pollution from Ships (MARPOL 73/78)
- International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution
- Casualties (1969) and Protocol Relating to Intervention on the High Seas in Case of Pollution by Substances other than Oil (1973)
- International Convention on Oil Pollution Preparedness, and Response and Cooperation (OPRC 1990)
- Convention on Early Notification of a Nuclear Accident (Notification Convention 1986)
- Convention on Nuclear Safety
- Convention on the Trans-boundary Effects of Industrial Accidents (ECE Convention 1992)
- International Convention on Salvage 1989

“Several countries identified shortcomings in existing bi-lateral or regional agreements that were under review by responsible national authorities. EPPR endorses the process of reviewing bi-lateral and multi-lateral agreements by the countries involved. EPPR will continue to facilitate information sharing on such agreements.

Some countries also raised additional activities: the need for obligatory navigational corridors; prohibited sailing areas; and the obligatory use of pilots when sailing ships in Arctic waters. The EPPR working group finds that the necessary legal framework and international forum, i.e. the International Maritime Organization, exists to examine the need for additional measures.”

Available at: http://eppr.arctic-council.org/pdf/agreementsfinal.pdf

4. Standing Committee of the Parliamentarians of the Arctic Region (SCPAR) 2000, Fourth Conference of Parliamentarians of the Arctic Region, Rovaniemi, Finland, August 27-29, 2000

Action items from this conference:

Asking the governments in the Arctic region and the institutions of the European Union to support and implement international intergovernmental agreements, commitments and institutions related to Arctic regions, linking them to appropriate national policies and activities, taking care to avoid duplication but accommodating regional and national differences, including
commiting to continued support of the Arctic Council, Barents Euro-Arctic Council and furthermore to promote and facilitate cooperation between those two councils.

Available at: www.arcticparl.org/_res/site/File/static/conf4_statement.pdf
1. The Northern Dimension Policy 1999

The Northern Dimension Policy was developed in 1999 with the participation of Norway, Iceland, EU member states and the Russian Federation. It is intended to promote security and stability in the region and help avoid the emergence of new dividing lines in Europe. Geographically, the Northern Dimension focuses on northwest Russia, the Baltic and Barents Seas, the Arctic and Sub-Arctic areas.

Available at: http://eeas.europa.eu/delegations/russia/eu_russia/fields_cooperation/regional_issues/northern_dimension/index_en.htm


This Agreement between the Government of Norway, the Government of Iceland, and the Government of the Russian Federation concerning certain aspects of cooperation in the area of fisheries serves the purposes of ensuring long-term conservation and sustainable utilization of fish stocks in the entire area covered by the present Agreement. The Parties declare to be committed to the principle of responsible fishing and pledge to promote and conduct marine scientific research and to base management measures for relevant stocks on the best scientific advice.

Available at: Ecolex
1. The Iqaluit Declaration, The First Ministerial Meeting of the Arctic Council Iqaluit, Canada, September 17-19, 1998

This was the first meeting under the Arctic Council established on September 19, 1996 in Ottawa, Canada. The successful integration of the AEPS and the four working groups of AMAP, CAFF, PAME and EPPR into the Arctic Council was acknowledged.

The Council noted consultation and participation by the Permanent Participants: the Inuit Circumpolar Conference, the Saami Council and the Russian Association of Indigenous Peoples of the North. Substantive scientific documentation was also received in support of Arctic Pollution Issues from one of the working groups AMAP.

The Aleut International Association was approved as a Permanent Participant in the Arctic Council. The following countries/organisations were also approved as Observers of the Arctic Council: The Federal Republic of Germany, The Kingdom of the Netherlands, Poland, UK, The Nordic Council, the Northern Forum, The United Nations Economic Commission for Europe (UN-ECE), the United Nations Environment Programme (UNEP), the International Arctic Science (IASC), the Standing Committee of Parliamentarians of the Arctic Region (SCPAR), the World Wide Fund for Nature (WWF) and the International Union for Circumpolar Health (IUCH).

The AMAP Assessment Report: The SAOs were instructed to develop an overall plan of action complementary to existing legal arrangements and the Regional Programme of Action for the Protection of the Arctic Marine Environment from Land-Based Activities.

This plan, the Arctic Council Action Plan to Eliminate Pollution of the Arctic (ACAP) should include actions of a wide scope on pollution prevention and remediation measures, also including the identification and implementation of specific co-operative projects.

The Council agreed to work vigorously for the early ratification and implementation of the Protocols on the elimination or reduction of discharges, emissions and losses of Persistent Organic Pollutants (POPs) and of Heavy Metals under the framework of the United Nations Economic Commission for Europe Convention on Long-Range Transboundary Air Pollution with the aim of bringing the Protocols into force as early as possible.

The Council encouraged the Arctic States to assist the early conclusion of a global agreement on POPs. The CAFF Strategic Plan for the Conservation of Arctic Biological Diversity was endorsed and encouraged for timely implementation through more detailed work plans. CAFF’s intention to prepare an overview on the status and trends in changes to the ecosystems, habitats and species in the Arctic and to identify elements of a program to monitor circumpolar biological diversity and to assess the effects of climate change and UV-B radiation on Arctic ecosystems was welcomed. The EPPR Work Plan in EPPR’s Strategic Plan of Action is endorsed.

Available at: http://arctic-council.org/filearchive/The%20Iqaluit%20Declaration.pdf

National legislation declaring a territorial sea of 12 nm from the territorial sea baselines, a contiguous zone adjacent to the territorial sea out to 24 nm from the territorial sea baselines, an EEZ adjacent to the territorial sea and extending out to 200 nm from the territorial sea baselines, and a continental shelf of at least 200 nm or further in case of an extended continental margin.


In 1997, The Arctic monitoring and Assessment Programme carried out a comprehensive environmental report on the Arctic. Reports were created on each of the following topics: pollution and human health; climate change and ozone; petroleum hydrocarbons; acidification and Arctic haze; radioactivity; heavy metals; persistent organic pollutants (POPs); Peoples of the North; polar ecology; and physical pathways.


In 1993, the International Atomic Energy Agency (IAEA) launched the International Arctic Seas Assessment Project (IASAP). Its main objectives were to assess the risks to human health and to the environment associated with the radioactive wastes dumped in the Kara and Barents Seas; and to examine possible remedial actions related to the dumped wastes and to advise on whether they are necessary and justified. The study, which involved more than 50 experts from 14 countries and was under the direction of an International Advisory Group, concluded in late 1996. Partially supported by extra budgetary funding from the United States, the project was co-ordinated with the work of the Norwegian-Russian Expert Group for Investigation of Radioactive Contamination in the Northern Areas. This article summarizes the results and conclusions of the radiological impact of high-level radioactive waste dumping in the Arctic Seas.

Available at:

4. The Alta Declaration, June 13, 1997

The Ministers of the Arctic countries of Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden and the United States of America met in Alta, Norway to sign the Alta Declaration. Key themes when affirming their commitment included noting the progress made by AEPS, recognizing the importance of the Arctic to the Arctic States and to all Arctic residents especially indigenous peoples, noting the sensitive nature of the Arctic and potential for serious environmental risks and problems, noting the goals of sustainable development and
preservation of biological diversity ad acknowledging the work of the working groups AMAP, CAFF, PAME, EPPR and SDU. The countries also recognized the special role of indigenous peoples in each of the AEPS programme and the support from non-Arctic countries, global and regional inter-governmental and non-governmental organizations in the AEPS.

Action Items:

- To implement, develop and improve AEPS programmes
- Agree to apply the “Guidelines for Environmental Impact Assessment (EIA) in the Arctic” and the “Arctic Offshore Oil and Gas Guidelines” developed under AEPS.
- Encourage all Arctic countries to make use of the “Arctic Guide for Emergency Prevention, Preparedness and Response”.
- Supporting the Russian Federation and its development of a Russian Programme of Action for protecting the marine environment from land-based sources of pollution
- Agree to promote the early completion of an “International Code of Safety for Ships Operating in Polar Waters” (Polar Code) under the auspices of the International Maritime Organization (IMO)
- A commitment to work for the early completion and implementation of a protocol on the elimination or reduction of persistent organic pollutants (POPs) under the UN Economic Commission for Europe (ECE) Convention on Long-Range Transboundary Air Pollution.

Available at:

http://arctic-council.org/filearchive/The%20Alta%20Declaration.pdf

5. The Inuvialuit Inupiat Beaufort Sea Beluga Whale Agreement 1997

The Inuvialuit of Canada’s Western Arctic and the Inupiat of Northern Alaska agree to cooperate with regard to the number of beluga whales struck and landed, to exchange information, plan and conduct joint research, exchange traditional ecological knowledge, hunting methods and uses of beluga whales.

Available at:


“The Law of the Sea Convention, having finally secured the necessary 60 ratifications, entered into force in 1994…. such innovations as "transit passage" through straits and air corridors for "archipelagic waters,” and high-seas freedom of movement in, over and under the "exclusive economic zone” (EEZ) resolved the differences between coastal and maritime states.”

“Prolonged and difficult bargaining went into these and many other issues, but the prize for convoluted compromise belongs to the deal defining the outer limit of coastal state rights to the oil and gas where the outer limit of the continental margin extends beyond the EEZ. This remarkable concordat combines the US proposal (sixty miles beyond the foot of the continental slope) with an Irish alternative (the line where the depth of the sediment overlying the earth's crust is 1 percent of the distance from the foot of the slope) subject to a Soviet limit (three hundred and fifty miles from shore) as modified by a British option (one hundred miles beyond the two-thousand-foot isobath), a Soviet exception to that modification (an absolute three-hundred-and-fifty mile cutoff), and a proviso important to Australia, New Zealand, and the United States (making clear that caps, elevations, spurs, and rises are not ridges).”

“That last distinction was significant, by the way, because caps, elevations, spurs and rises may overlie hydrocarbons. When, therefore, the broad-margin countries, collectively known as the "margineers," submitted their baroque masterpiece to a plenary session of the Conference for approval, I had to make a statement for the record. My statement was brief and had been cleared in advance with our neighbors in the Arctic. The provisions that had been agreed upon were acceptable to the United States, I said, because the Chukchi Plateau (a vast sedimentary expanse north of the Bering Strait) is not a ridge. Who knows? The Chukchi Plateau may someday be found to contain zillions of dollars' worth of oil and gas.”

Available at: [http://openlibrary.org/books/OL6780141M/Reflections_of_radical_moderate](http://openlibrary.org/books/OL6780141M/Reflections_of_radical_moderate)

2. AN IUCN Strategy for the Arctic, 1st World Conservation Congress, Montreal, Canada, October 13-23, 1996

This declaration recognizes the circumpolar Arctic as a priority ecosystem for IUCN and the work of the Arctic Environmental Protection Strategy (AEPS) and Arctic Council. It called for the IUCN to apply for observer status in AEPS and the Arctic Council. This resolution also urged IUCN members to develop and implement an action plan for Arctic conservation and sustainable development which will implement Recommendation 19.97 of the 19th Session of the IUCN General Assembly.

1.106 Protection of the Arctic Ocean:

- Urges the Arctic States party to MARPOL to take steps as a matter of priority to determine whether it is appropriate to designate... the “Ring of Life” zone in the Arctic Ocean as a Special Area under Annexes I, II and V, so as to provide stricter imitations on discharges.
- Encourages Arctic States to take steps through consultations in the Arctic Council to determine whether it is appropriate under Guidelines of the International Maritime Organization (IMO) to designate “Particularly Sensitive Sea Areas” in ecologically significant areas of the Arctic Ocean which are vulnerable to damage by maritime activities so as to supplement the effect of designating Special Areas and thereby provide additional levels of protection.

- Recommends to Arctic States that they use their authority under UNCLOS (Art. 211(6) and Art. 234) to prevent vessel source pollution in their Exclusive Economic Zones, including ice-covered areas, and that they cooperate with IMO in so doing.

- Requests the Director General to help implement this Recommendation through the interdisciplinary Arctic action plan called for under Resolution 1.7 of this Congress.

1.52 Indigenous Peoples and the Marine and Coastal Areas

- Recognize the role and collective interest indigenous peoples taking into account the terms of ILO Convention No 169, the Convention on Biological Diversity, and the principles proposed in the draft UN Declaration on the Rights of Indigenous Peoples

- Recognize the rights of indigenous peoples to make use of natural resources on their lands or territories in marine and coastal areas in an equitable and ecologically sustainable way.

- The active participation of indigenous peoples in the establishment of quotas and closed seasons, as well as in international campaigns in favour of sustainable use of animals and other natural resources.

1.107 Protecting the Habitat of the Porcupine Caribou Herd

- Calls on the governments of Canada and USA, in full consultation with other levels of government, indigenous communities and appropriate wildlife management bodies to: provide permanent protection under national law for the calving grounds of the porcupine caribou herd and their sensitive habitat areas that are not now so protected and to work together to consider whether an international designation would enhance protection and management of part or all of the herd’s range.

Available at: www.data.iucn.org/dbtw-wpd/edocs/WCC-1st-003.pdf

3. The Inuvik Declaration, March 21, 1996

Ministers of the eight Arctic countries met for a third time in Inuvik, to sign the Inuvik Declaration which resulted in the establishment of the Arctic Council.

The work of the AEPS effectively became absorbed into the work of the Arctic Council.

The Declaration emanated from the report of the Third Ministerial Conference on the Protection of the Arctic Environment. The Ministers reaffirmed their commitment to implementing AEPS and to adopting the report of the Third Ministerial Conference on the Protection of the Arctic Environment. They acknowledged of the work and reports of AMAP, CAFE, PAME and EPPR and the work of the Task Force on Sustainable Development and Utilization (TFSDU). The Ministers agreed to establish a Working Group on Sustainable Development and Utilization (SDU) to emphasize the importance of integrating the AEPS Programmes with Arctic economies and social initiatives to uphold the principles of sustainable development.
The Senior Arctic Affairs Officials (SAAOs) were set the following priorities:

To direct the AEPS process and provide integration, policy and management direction to the AEPS Programmes and the AEPS Secretariat, to also conduct an assessment of the organizational structure of AEPS to ensure cost-effective and well coordinated programmes, to develop a framework for common cost sharing and exploring opportunities for obtaining funds from other international programmes and international financial institutions and to develop revised Terms of Reference for SDU and a work plan for the Arctic Council’s sustainable development work, to be presented for discussion to the Arctic Council Senior Arctic Officials.

For AMAP, the priority to publish the State of the Arctic Environment Report (SOAER) and the Arctic Assessment Report (AAR) in early 1997 and to hold a symposium in Norway in 1997 to facilitate a senior review of the implications to the AEPS of the AAR and to prepare papers on developing sub-regional oil-related monitoring and assessment activities, knowledge concerning organisms in the marine environment and preparing a discussion and strategy paper evaluating options for a second phase of AMAP’s work.

For CAFF, the priorities are to continue the development of the Circumpolar Protected Area Network (CPAN), assisting countries with the implementation of the Circumpolar Murre Conservation Strategy and Action Plan and developing a draft Arctic strategy relating to the goals of the UN Convention on Biological Diversity.

For PAME, priorities include: addressing the development of an Arctic Regional Programme of Action on marine pollution resulting from land-based activities, to develop guidelines for offshore petroleum activities, to collect information on current and future shipping activities and their environmental effects, to maintain an overview of international arrangements relevant to PAME.

For EPPR, the priorities are to complete the Arctic Guide for Emergency Prevention, Preparedness and Response, continuing to involve indigenous peoples in accident prevention and response, preparing an analysis of the effectiveness of existing accident reporting systems, refining the Risk Analysis on Environmental Threats to the Arctic including an assessment of the need for future action and analyzing the adequacy and effectiveness of the existing international agreements and other arrangements in the Arctic within EPPR’s area of expertise.

The Council stated their commitment to establish the Arctic Council at the earliest opportunity.

Available at:

http://arctic-council.org/filearchive/The%20Inuvik%20Declaration.pdf

4. The Declaration on the Establishment of the Arctic Council (The Ottawa Declaration), September 19 1996

The representatives of the governments of Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden and the United States of America met in Ottawa, Canada to declare the establishment of the Arctic Council. Key themes when affirming their commitment included the well-being of the inhabitants of the Arctic, sustainable development including economic and social development, improved health conditions and cultural well-being, maintenance of biodiversity in the Arctic region and conservation and sustainable use of natural resources.
This declaration was signed first and foremost to establish the Arctic Council as a high level forum to “provide a means for promoting cooperation, coordination and interaction among the Arctic States, with the involvement of the Arctic indigenous communities and other Arctic inhabitants on common arctic issues, in particular issues of sustainable development and environmental protection in the Arctic. (To) oversee and coordinate the programs established under the AEPS AMAP, CAFF, PAME, and EPPR. (To) adopt terms of reference for and oversee and coordinate a sustainable development program. (To) disseminate information, encourage education and promote interest in Arctic-related issues.”

The Members were confirmed as Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden and the USA.

The Inuit Circumpolar Conference, the Saami Council and the Association of Indigenous Minorities in the Far North, Siberia and the Far East of the Russian Federation are given the status of Permanent Participants which is also open to other organizations of indigenous peoples. The category is created to provide for active participation and full consultation with the Arctic indigenous representatives within the Arctic Council.

Observer status is open to non-Arctic states, inter-governmental and inter-parliamentary organizations, global and regional and non-governmental organizations. The Council agreed to meet on a biennial basis and the responsibility should rotate sequentially among the Arctic states. The Arctic Council agreed to adopt rules of procedure as its first order of business and the Indigenous Peoples’ secretariat established under AEPS is to continue under the Arctic Council. Finally, the Arctic Council agreed to regularly review the priorities and financing of its programs.

Available at:

http://arctic-council.org/filearchive/Declaration%20on%20the%20Establishment%20of%20the%20Arctic%20Council-1..pdf
In 1993, disclosures about Russian dumping of submarine reactors, nuclear fuel and other wastes into the Arctic and North Pacific Oceans came to light in the form of the Yablokov Report “a frank document presenting inventories of both liquid and solid radioactive waste dumping between 1959 and 1992. The Office of Technology Assessment (OTA) were asked to provide an assessment of nuclear waste in the Arctic by Senator Ted Stevens, Chairman of the Defense Subcommittee of the Senate Appropriations Committee and Senators William V. Roth and John Glenn, Chairman and Ranking Minority Member of the Senate Committee on Governmental Affairs. The report predominantly examines the environmental and human health impacts from nuclear contaminants and radioactive releases but also stresses the need for a stable and enduring institutional framework and international cooperation for long-term observation and monitoring.

This report makes policy option suggestions for careful and responsible management and long-term control of nuclear waste. In addition, institutional framework and policies are examined and the initiatives in place to bring about improvements. The report recognizes that the problems are international and that it is difficult to harmonize the policies and goals of each nation affected. Many unilateral, bilateral and multilateral organizations have also developed over the years.

It is suggested that research initiatives should include actions to monitor conditions and provide early warnings to prevent future accidents or releases.

Policy Suggestions
Regarding Arctic Research Policies:

Current Policy Status:

In 1984, the Arctic Research Policy Act (ARPA) enacted and is the primary instrument for the development and coordination of U.S. research policy, priorities and goals in the Arctic.

Thereafter, the US Congress established the institutional infrastructure (i.e. the Arctic Research Commission and the Interagency Arctic Research Policy Committee or IARPC) to develop and coordinate U.S. Arctic research programs which recognized radioactive contamination from Soviet activities as a potentially serious problem in 1992. The IARPC reviews the Arctic plan every two years and reports to Congress.

The United States adopted the “policy for the Arctic Region” in 1993.

The US Congress authorized the Arctic Nuclear Waste Assessment Program (ANWAP) under the Office of Naval Research of the Department of the Defense. This program involved collecting and evaluating existing Arctic environmental data, sponsoring scientific expeditions to gather data in the Arctic and evaluate potential transport pathways for radioactive waste.

Recommendations:

The report recommends: ANWAP receive continued financial support to fund further monitoring and to establish monitoring programs and carrying out long-term risk assessments.
International Environmental Protection Policies

Current Policy Status:

Bilateral cooperation agreements with Russia – the Gore-Chernomyrdin commission was the implementing body for U.S. Russian cooperation. The US has actively participated in several international initiatives, including the International Arctic Seas Assessment Program under the IAEA, the Arctic Environmental Protection Strategy established by the 8 circumpolar nations; and other initiatives with Russia, Norway and various European Nations. The report notes that the US has not provided an overall strategy for selecting and participating in the most appropriate international entities regarding nuclear wastes.

Policy Recommendations:

Congress could direct the Administration to prepare a coordinated plan for taking action on programs that result from international agreements. Congress could also direct the administration to give funding authority to certain federal agencies to implement any cooperative research and monitoring projects developed under a coordinated international plan. Benefits of this would include savings achieved if two or more nations have certain elements under their control such as access to sites, data or key research work, avoidance of duplication and improved efficiency and cost-effectiveness.

Joint US/Russian policies/cooperation/assistance projects

Current Policy Status:

An initiative to improve radioactive waste management in the Russian Arctic region is the Murmansk Initiative being implemented under the Gore-Chernomyrdin Commission (GCC) by Norway, the United States and Russia.

The London Convention is a major international effort designed to prohibit dumping of radioactive waste in the world’s oceans. Guidelines are voluntary however.

The 1994 U.S. – Russia Agreement on Pollution Prevention in the Arctic.

The European Union and Russia cooperating to identify and develop waste management technologies for application in the Kola Peninsula. The Government of Japan financed a project that would provide facilities for treatment of some of the liquid radioactive waste stored by the Russian Navy near the Sea of Japan.

Norway – international steering committee to cooperate technically and financially with Russia in the removal and cleanup of a Russian nuclear waste ship near the Norwegian border containing damaged spent nuclear fuel from the naval and icebreaker fleets.

On the 30th 1995, the U.S. Secretary of Defense and his Russian counterpart signed a Memorandum of Agreement to exchange information on the environment and particularly environmental protection, cleanup, waste management and disposal of weapons material.

After the Chernobyl accident in April 1986, the Nuclear Regulatory Commission and the Department of Energy and their Russian counterparts exchanged information and held the U.S.-Russian presidential summit in Vancouver, Canada in 1993. In 1994, at the January Moscow summit, the US and Russia entered into the five year accord named the ‘Agreement Between the Government of the United States of America and the Government of the Russian Federation on Cooperation in Research on Radiation Effects for the Purpose of Minimizing the Consequences of Radioactive Contamination on Health and the Environment’. The Joint
Coordinating Committee for Radiation Effects Research (JCCRER) was established to implement the agreement.

**Future Policy Initiatives:**

Congress could request that U.S. decisions at the bilateral level be coordinated with those involving multilateral approaches to avoid possible conflicts and unnecessary or costly duplication.

Existing cooperative initiatives do not however address issues of spent fuel and radioactive waste management related to Russian nuclear submarines and ships. Congress could create a program within an appropriate agency to provide bilateral or multilateral cooperative assistance for improving Russia’s management of spent nuclear fuel and to prevent accidents and radioactive releases.

Available at: [www.princeton.edu/~ota/disk1/1995/9504/950401.PDF](http://www.princeton.edu/~ota/disk1/1995/9504/950401.PDF)


Arctic States signed: Norway, Sweden, Finland, and Denmark (excluding Greenland).

AEWA is a regional agreement aimed at the conservation of migratory waterbirds that occur in the Western Palearctic Flyway.

Most of the world’s known flyways originate in the Arctic, which provides the breeding habitat for numerous waterbirds such as geese, swans, ducks, waders and cranes. The main aim of AEWA is to restore and maintain populations of migratory waterbirds at a favourable conservation status. Subsistence hunting takes place on several AEWA species by Indigenous Peoples in Arctic regions, leading to the need to involve local communities and their traditional knowledge in waterbird management.

**Action Items:**

The Agreement actively promotes and supports monitoring and research activities as well as information exchange networks. AEWA Executive Secretary participated in the Eleventh Biennial Meeting of the Conservaton of the Arctic Flora and Fauna Working Group (CAFF XI) in Ylläs, Finland to strengthen the cooperation with other organisations in the Arctic, in particular with the CAFF Secretariat, Circumpolar Biodiversity Monitoring Program (CBMP), Circumpolar Indigenous Youth Conservation (CPIYC) and Circumpolar Seabird Group (CBIRD).

Direct conservation activities include the International Action Plan for the conservation of the Light-Bellied Goose-East Atlantic High Arctic Population which was adopted at the third meeting of the Parties to AEWA in Dakar, Senegal in October 2005.

**Future work:**

Major priorities include recruiting the Russian Federation, Greenland and Canada as Contracting Parties. Another area earmarked for urgent research is the identification of reasons for the decline of most of the wader population breeding in the Arctic, which was shown by Waterbird Population Estimates III (published by Wetlands International in 2005).

Available at: [http://www.unep-aewa.org/documents/index.htm](http://www.unep-aewa.org/documents/index.htm)
1. The European Economic Area (EEA), entered into force on January 1, 1994

This agreement established the European Economic Area allowing Liechtenstein and Arctic states Norway and Iceland to participate in the Internal European Market. The purpose of the EEA Agreement, according to Article 1, is to promote a continuous and balanced strengthening of trade and economic relations between the contracting parties with a view to creating a homogenous European Economic Area.

Available at: http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=1

This legislation adopted by The Nunavut Land Claims Agreement Act 1993 ratifies and gives effect to the Nunavut Land Claims Agreement signed on 25 May 1993.

The aims of the Act are to:
- To provide certainty and to clarify rights of ownership to land, and rights of participation of Inuit;
- To provide Inuit with wildlife harvesting rights and rights to participate in related decision making;
- To provide financial compensation and the means to participate in economic opportunities for Inuit; and
- To encourage self-reliance and the cultural and social well being of Inuit.


2. The Nuuk Declaration on Environment and Development in the Arctic, September 16, 1993

In 1993, the eight Arctic states met in Nuuk, Greenland as the first follow up meeting from the Rovaniemi Declaration. The declaration reaffirms the commitment and special role and responsibilities of the Arctic states to protect the Arctic environment. It also declared the importance of applying the results of the United Nations Conference on Environment and Development to the Arctic region and also to implement the relevant provisions of the Rio Declaration, Agenda 21 and the Forest Principles.

The declaration also pays attention to Principle 2 of the Rio Declaration on Environment and Development which gives states the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment or other States and also to Principle 22 of the Rio Declaration, which states that indigenous peoples have a vital role in environmental management and development due to their knowledge and traditional practices.

Action Items:

Adopted the second report of the Second Ministerial Conference of the AEPS and support the provisions within: that each country can participate in the activities of AMAP, that a working group be established to assess the need for further action to prevent pollution of the Arctic marine environment and to evaluate the need for further action in appropriate international fora to obtain recognition for the sensitive character of the Arctic region, establishing a task force for sustainable development including the sustainable use of renewable resources by indigenous peoples, underlining the need for a notification system and mutual aid in case of accidents in the Arctic area and reaffirmed that management, planning and development activities shall provide for the conservation, sustainable use and protection of Arctic flora and fauna.
The Ministers each agreed to promote national legislation to protect the region.

They also stated their support for the UN Conference on Environment and Development and the Principles of the Rio Declaration on Environment and Development with respect particularly to sustainable development.

The special role of indigenous peoples in environmental management and development of the Arctic and their knowledge and traditional practices in achieving sustainable development in the Arctic

A commitment to an internationally transparent domestic process for the environmental impact assessment of activities that are likely to have a significant adverse impact on the Arctic environment and support for the implementation of the provisions of the Convention on Environmental Impact Assessment in a Transboundary Context.

Recognizing the need for effective application of relevant legal instruments and a promise to cooperate in developing future instruments. They also support the early ratification of the UN Conventions on Biological Diversity and Climate Change.

Lastly they agree to consider the development of regional instruments concerned with the Arctic environment.

Available at:

http://arctic-council.org/filearchive/The%20Nuuk%20Declaration.pdf

3. The North American Agreement on Environmental Cooperation (NAAEC) signed August 1993

The NAAEC is an environmental agreement between the United States, Canada and Mexico. The North American Agreement on Environmental Cooperation, one of two side agreements to the North American Free Trade Agreement was signed by Canada, Mexico and the United States in August 1993 and came into force in January 1, 1994. The key objectives of the NAAEC are to promote sustainable development, encourage pollution prevention policies and practices and enhancing compliance with environmental laws and regulations. The NAAEC also promotes transparency and public participation in the development and improvement of environmental laws and policies.

Available at: http://www.naaec.gc.ca/eng/index_e.htm
1. UNEP, *Convention on Biological Diversity (CBD)*, done on 5 June 1992, entered into force on 29 December 1993

Arctic States signed: Canada, Denmark/Greenland, Iceland, Finland, Norway, Russia and Sweden.

The Convention is an international legally binding instrument which establishes three main goals: 1) the conservation of biological diversity; 2) the sustainable use of its components; and, 3) the fair and equitable sharing of the benefits arising from the use of genetic resources.

Article 4 of the Convention, all the relevant provisions of the Convention apply to all areas within the limits of national jurisdiction, including the Arctic. In addition all cross-cutting issues, in particular the ecosystem approach, the work on interlinkages between climate change and biodiversity, the programme of work on protected areas, and the guidelines for biodiversity-inclusive impact assessment, are applicable to arctic ecosystems.

Article 8 (j) notes that Convention Parties are committed to respect, preserve, maintain and promote traditional knowledge, innovations and practices, as well as the participation and involvement of indigenous and local communities.

Relevant activities to the Arctic:

Within the programme of traditional knowledge a series of activities were carried out and considered by the fourth meeting of the Ad-Hoc Open-Ended Working Group on Article 8 (j):

- A revision of the first phase of a composite report on the status and trends regarding the knowledge, innovations and practices of indigenous communities relevant to the conservation and sustainable use of biodiversity. This included the development of a regional report on the Arctic and a decision by the eighth meeting of the Conference of the Parties (decision VIII/5.B, paragraph 6) for further research into indigenous and local communities highly vulnerable to climate change, including those in the Arctic.

- The further promotion of guidelines for the conduct of cultural, environmental and social impact assessment regarding developments proposed to take place on, or likely to impact on sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities.

- Mechanisms to promote the effective participation of indigenous and local communities in matters related to Article 8 (j).

- An assessment of the effectiveness of existing sub-national, national and international instruments, particularly intellectual property rights instruments, that may have implications for the protection of the knowledge, innovation and practices of indigenous and local communities, with a view to developing elements for a sui generis system for the protection of traditional knowledge.

Available at: [www.cbd.int](http://www.cbd.int)

The Protocol on Environmental Protection to the Antarctic Treaty, also known as the Antarctic-Environmental Protocol, or the Madrid Protocol, is part of the Antarctic Treaty System. It provides for comprehensive protection of the Antarctic environment and dependent and associated ecosystems.


Arctic States signed: Canada, Denmark/Greenland, Iceland, Finland, Norway, Russia, Sweden and USA

The Espoo (EIA) Convention sets out the obligations of Parties to assess the environmental impact of certain activities at an early stage of planning. It also lays down the general obligation of States to notify and consult each other on all major projects under consideration that are likely to have a significant adverse environmental impact across boundaries.

The Convention is summarized as having the following objective:

*To step up international cooperation in order to prevent, reduce and control the adverse transboundary impact of certain activities on the environment with a view to ensuring ecologically sound and sustainable development. Each party must take the necessary legal, administrative or other measures, establish an environmental impact assessment procedure and prepare the environmental impact assessment documentation.*

Available at: http://www.unece.org/env/eia/welcome.html

3. The Declaration on Protection and the Arctic Environmental Protection Strategy (AEPS) June 14, 1991 (Rovaniemi Declaration)

Arctic States signed: Canada, Denmark/Greenland, Iceland, Finland, Norway, Russia, Sweden, and USA

This document was the result of cooperative efforts of the eight Arctic countries who were assisted by the following observers: Inuit Circumpolar Conference, Nordic Saami Council, USSR Association of Small Peoples of the North, Federal Republic of Germany, Poland, UK, United Nations Economic Commission for Europe, United Nations Environment Program and the International Arctic Science Committee.

Environmental Problems and International Mechanisms:

It was recognized at the first meeting of the eight Arctic countries that the environmental problems were shared amongst all Arctic nations, with the following identified as key problems:

- Persistent Organic Pollutants (POPs)
International instruments do not limit emissions of POPs and related contaminants. Proper management and protection of the Arctic ecosystem from the effects of these contaminants will require cooperation through bilateral and multilateral agreements among both circumpolar and non-circumpolar nations.

- **Oil pollution**

  A review of existing instruments pertaining to oil pollution found that some instruments are limited in their application and only partially apply to the Arctic region. Strict standards in the transportation of oil in the Arctic are needed under the framework of the International Maritime Organization. The following were noted as applicable instruments: the 1969 International Convention on Civil Liability for Oil Pollution Damage; the 1969 International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Causalities; the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage; the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter; the 1974 Convention on the Prevention of Marine Pollution from land-based sources; the International Convention for the Prevention of Pollution from Ships (MARPOL); the 1982 United Nations Convention on the Law of the Sea (UNCLOS); and the International Convention on Oil Pollution, Preparedness, Response and Cooperation, 1990.

- **Heavy metals**

  The UN ECE LRTAP Convention is one of the major international conventions which limits harmful atmospheric emissions. Control of discharges of heavy metals to the marine environment are governed by both the 1972 Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft (Oslo Convention) and the 1974 Convention on the Prevention of Marine Pollution from Land-based Sources (Paris Convention). The UNCLOS provides opportunities for controlling the discharge of harmful substances e.g. heavy metals.

- **Noise**

  Existing legal instruments were found not to have addressed the effects of noise on the Arctic. There may be a need to adequately monitor potential noise disturbance, verify predicted effects and identification of any unforeseen effects to ensure that environmental protection measures are given due consideration.

- **Acidification**

  Insufficient knowledge of the critical llivels prevents agreement on common standards together with a lack of comparable data. Under the 1985 and 1988 protocols to the UN ECE LRTAP Convention for the Reduction of Sulphur and Nitrogen Oxide Emissions or their Transboundary Fluxes, the Cooperative Program for Monitoring and Evaluation of the Long-Range Transmission of Air Pollutants in Europe (EMEP) is to report annually to the LRTAP Executive Body its calculations of budgets, transboundary fluxes and deposition of sulphur and nitrogen oxides. Arctic countries should consider becoming parties to all the relevant agreements in this field.

The following working groups were established:

1. **Arctic Monitoring and Assessment Program (AMAP):**

   The primary objective of AMAP is the measurement of the levels of anthropogenic pollutants and the assessment of their effects in relevant component parts of the Arctic environment. The two most significant threats to the Arctic environment are climate change and the effects of
stratospheric ozone depletion. There is an urgent need for cooperation among local and regional efforts and global programs in order to better documentation on the environmental situation in the Arctic especially with regard to long-range air and marine pollution.

Actions:

Monitoring human-induced changes and changes caused by natural phenomena in the Arctic will be required, particularly of contaminant emissions and discharges including accidental discharges. The AMAP should be implemented through the establishment of an Arctic Monitoring and Assessment Task Force and a small secretariat established by the Government of Norway. An important task is to review and coordinate existing national programs, establish a data directory and to develop these programs when appropriate in an international framework. As an initial priority, the AMAP should focus on POPs and selected heavy metals and radionuclides and ultimately to monitor ecological indicators to provide a basis for assessments of the status of Arctic ecosystems. The eight Arctic countries will receive regular State of the Arctic Environment Reports summarizing the results of the AMAP.

2. Protection of the Arctic Marine Environment (PAME):

The eight countries recognise their shared interests and responsibilities to take preventive measures directly or through international organisations consistent in particular with the 1982 United Nations Convention on the Law of the Sea regarding marine pollution in the Arctic. The eight countries agree to:

Apply principles concerning the protection and preservation of the Marine Environment as reflected in the 1982 United Nations Convention on the Law of the Sea and in accordance with the continuing development of international environmental law to further strengthen rules in order to protect the Arctic.

Take measures as soon as possible to adhere to the strictest relevant international standards within the conventions regarding discharges irrespective of origin.

Undertake joint actions in relevant international fora to strengthen recognition for the sensitive ice-covered parts of the Arctic Ocean.

Review the relevance to the Arctic of international instruments connected with the protection of the marine environment with the aim that all Arctic countries accede or apply the principles and regulations embodied therein.

3. Emergency Prevention, Preparedness and Response (EPPR):

There is an increase in development activities and shipping within the Arctic with the threat of oil spills and discharge of other harmful substances an issue. There are number of bilateral, regional and global agreements which presently exist to deal with accidental pollution such as the 1983 Canada-Denmark Agreement for Cooperating relating to the Marine Environment, the 1971 Agreement between Denmark, Finland, Norway and Sweden on Cooperation on Oil Pollution and the 1990 International Convention on Oil Pollution Preparedness, Response and Cooperation amongst others. The UN ECE has begun work on an international convention on the prevention and control of the transboundary effects of industrial accidents.

Actions to take early cooperative action on emergency prevention, preparedness and response in the Arctic will include taking steps to review existing bilateral and multilateral arrangements in order to evaluate the adequacy of the geographical coverage of the Arctic regions and convening a meeting of experts to consider and recommend the necessary system of cooperation which should include the following:
Exchange of information on legislative and administrative measures and policies.

4. Conservation of Arctic Flora and Fauna (CAFF):

The six Arctic State of the Environment reports confirm that Arctic flora, fauna and their habitats are being threatened by large scale economic development projects, long range transport of pollutants and degradation of habitats. Several multilateral and bilateral agreements exist but are designed to be universally applicable rather than have a specific Arctic focus. The focus then for the eight Arctic countries should be to create a forum for scientists, indigenous peoples and conservation managers engaged in Arctic flora, fauna and habitat related activities to exchange data and information on issues such as shared species and habitats and to collaborate for more effective research, sustainable utilisation and conservation.

With due regard to existing international cooperation, and in an effort to improve research and information aimed at protecting these resources and their habitats from pollution and enviromental degradation, the following actions will be taken.

Actions:

The eight Arctic countries will seek to develop most effective laws, regulations and practices for the conservation of Arctic flora and fauna, their diversity and their habitats in close cooperation with Arctic indigenous peoples.

The eight Arctic countries also agree to establish a mechanism for achieving the following aims in close cooperation with Arctic indigenous peoples: (i) Promoting and facilitating exchanges of information and personnel (ii) Making recommendations with respect to priorities, the orientation and the nature of research and monitoring programs of the Arctic Countries (iii) proposing strategies for enhanced conservation of Arctic species and their habitats (iv) Regularly compiling and disseminating information on activities regarding the conservation of Arctic flora and fauna

Available at: www.arctic-council.org/filearchive/artic_environment.pdf

The International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC), which was adopted in November 1990, is designed to help governments combat major oil pollution incidents and applies to emergency prevention, preparedness or response.

The Convention is designed to facilitate international co-operation and mutual assistance in preparing for and responding to a major oil pollution incident and to encourage States to develop and maintain an adequate capability to deal with oil pollution emergencies.

In 2000, IMO adopted the Protocol on Preparedness, Response and Co-operation to pollution Incidents by Hazardous and Noxious Substances, 2000 (HNS Protocol) which follows the principles of the OPRC Convention for hazardous and noxious substances other than oil.

Available at:

http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-on-Oil-Pollution-Preparedness,-Response-and-Co-operation-%28OPRC%29.aspx

Arctic States signed: Canada, Denmark Excluding Faroe islands and Greenland, Iceland, Finland, Norway, Russia and Sweden

This Convention is a global environmental agreement on wastes. The main objectives are to reduce transboundary movements of hazardous wastes and other wastes to a minimum consistent with their environmentally sound management, to treat and dispose of hazardous wastes and other wastes as close as possible to their source of generation in an environmentally sound manner and to minimise the generation of hazardous wastes and other wastes.

Available at: [www.basel.int/text/documents.html](http://www.basel.int/text/documents.html)

This is an environmental agreement between the United States and Canada regarding the Arctic. The countries essentially recognize the particular interests and responsibilities of their two countries as neighbouring states in the Arctic and recognize the need to cooperate in order to advance their shared interests in Arctic development and security. They both affirmed that navigation and resource development in the Arctic must not adversely affect the unique environment of the region and the well-being of its inhabitants. Both countries agree to facilitate effective and safe icebreaker navigation and to develop and share research information in accordance with generally accepted principles of international law.


“The community and interrelationship of the interests of our entire world is felt in the northern part of the globe, in the Arctic, perhaps more than anywhere else. For the Arctic and the North Atlantic are not just the "weather kitchen", the point where cyclones and anticyclones are born to influence the climate in Europe, the USA and Canada, and even in South Asia and Africa. One can feel here freezing breath of the "Arctic strategy" of the Pentagon. The militarization of this part of the world is assuming threatening dimensions.” This can be resolved by taking “simultaneously the roads of bilateral and multilateral cooperation.” “Let the North of the globe, the Arctic, become a zone of peace. Let the North pole be a pole of peace.”

Mr. Gorbachev outlines in five steps how this can be achieved. Firstly, a nuclear free zone in Northern Europe should be declared. Secondly, naval activity in the seas of Northern Europe should be restricted. Thirdly, peaceful cooperation in developing the resources of the Arctic and the “truly boundless” energy sources of oil and gas should be advanced. This could be achieved through mixed firms and enterprises from Arctic states to develop oil and gas deposits together. Fourthly, scientific exploration of the Arctic should be implemented including research that bears upon the interests of indigenous populations and develops ties between northern peoples. Fifthly, northern countries should cooperate in environmental protection. Sixthly, the North Sea route should be opened up to foreign ships, with Arctic states providing icebreakers.

Available at: [www.barentsinfo.fi/docs/Gorbachev_speech.pdf](http://www.barentsinfo.fi/docs/Gorbachev_speech.pdf)
1985


This is an Act to prevent pollution of areas of the arctic waters adjacent to the mainland and islands of the Canadian arctic. The Act regulates the deposit of waste in Arctic waters and various matters related to the protection of those waters such as civil liability arising from deposit, constructions of works, shipping safety control zones, enforcement and offences and punishment. Except as authorized by regulations made under this section, no person or ship can deposit or permit the deposit of waste of any type in the arctic waters or in any place on the mainland or islands of the Canadian arctic under any conditions. The Governor in Council may make regulations prescribing the type and quantity of waste, if any, that may be deposited by any person or ship in the arctic waters or in any place on the mainland or islands of the Canadian arctic. The present Act was current to 01 January 2010.

Available at: [www.tc.gc.ca/media/documents/acts-regulations/A-12-acts.pdf](http://www.tc.gc.ca/media/documents/acts-regulations/A-12-acts.pdf)


This treaty serves as an instrument of cooperation between the United States and Canada in the establishment of general fishery management regimes for the international conservation and harvest sharing of intermingling North Pacific salmon stocks. Implementation of the principles of the Pacific Salmon Treaty should enable the two countries, through better conservation and enhancement, to "prevent overfishing and provide for optimum production; and provide for each Party to receive benefits equivalent to the production of salmon originating in its waters."

Available at: [www.nmfs.noaa.gov/ia/intlagree/docs/PSC_IA_Book.pdf](http://www.nmfs.noaa.gov/ia/intlagree/docs/PSC_IA_Book.pdf)

   This Act provides for a comprehensive national policy dealing with national research needs and objectives in the Arctic. It effectively established an Arctic Research Commission and an Interagency Arctic Research Policy Committee to undertake a five-year plan in the Arctic to research and eventually facilitate the formulation of national policy for the Arctic.

   Available at: http://www.nsf.gov/od/opp/arctic/iarpc/arc_res_pol_act.jsp


   This agreement, signed between the Government of Canada and the Inuvialuit people through the Committee for the Original People’s Entitlement (COPE). In this agreement, the Inuvialuit gave up exclusive use of ancestral lands in exchange for legal control and ownership of other lands in addition to wildlife management rights based on sustainable development.

   Available at: http://www.irc.inuvialuit.com/about/finalagreement.html

Arctic States signed: Canada, Denmark/Greenland, Iceland, Finland, Norway, Russia and Sweden.

The Law of the Sea Treaty establishes geographical scope of internal waters and contiguous zones, rights of innocent passage through territorial seas, specific legal regimes of the exclusive economic zones of the coastal States, rights, jurisdiction and duties of the coastal States and also the rights, duties and jurisdiction of any other States within that exclusive economic zone. It also provides a basis for the resolution of conflicts and places an obligation on coastal states to protect and preserve their marine environments through pollution control and other measures.

In terms of the Arctic, Article 234 is relevant:

**Article 234**

*Ice-covered areas*

*Coastal States have the right to adopt and enforce non-discriminatory laws and regulations for the prevention, reduction and control of marine pollution from vessels in ice-covered areas within the limits of the exclusive economic zone, where particularly severe climatic conditions and the presence of ice covering such areas for most of the year create obstructions or exceptional hazards to navigation, and pollution of the marine environment could cause major harm to or irreversible disturbance of the ecological balance. Such laws and regulations shall have due regard to navigation and the protection and preservation of the marine environment based on the best available scientific evidence.*

Available at:

The Convention on the Conservation of Migratory Species of Wild Animals (CMS) aims to conserve terrestrial, marine and avian migratory species throughout their range. Four arctic countries are parties to the Convention: Denmark (excluding Greenland), Finland, Norway and Sweden. CMS has no specific focus on the Arctic, however the ranges of many species depend on arctic habitats and ecosystems for parts of their life cycle. Many animals in the Arctic are migratory. Some species such as polar bears and seals, are mostly resident in the Arctic. More than 80% of species living within the Arctic circle migrate south. Climate induced changes in the habitats are predicted to be greatest in the Arctic. Many migratory waders such as the Red Knot, face large population declines and some, such as the endangered Spoon-billed Sandpiper, face extinction.

Generally, species listed in Appendix I of the Convention are to be protected strictly by all member states. Two multilateral agreements under the CMS include arctic regions in their areas of application: The Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) and the Memorandum of Understanding concerning Conservation Measures for the Siberian Crane. Two other agreements cover arctic countries namely, EUROBATS, the Agreement on the Conservation of European Bats (www.eurobats.org) and the Agreement on the Conservation of Small Cetaceans in the North and Baltic Seas (ASCOBANS, www.ascobans.org) which counts Denmark, Finland, Norway, Sweden and Russia among their range states. The text however, specifically excludes Arctic waters with Denmark’s participation.

Relevant activities:

The Convention and its related agreements promote and support conservation and research activities on several migratory species spending part of their life cycle in the arctic region. Most of the work is undertaken by the Scientific Council which meets approximately every 18 months and has a number of working groups.

Future Work:

A high priority for CMS is to increase membership in the Arctic, as of 2010, Canada, Greenland, Iceland, Russia and the USA are not yet Parties to the Convention. Since conservation of migratory species can only be successful if the species are protected jointly throughout their range, making use of the experience in transboundary conservation and the legal framework provided by the Convention is crucial in achieving the World Summit on Sustainable Development (WSSD) 2010 target to reduce biodiversity loss.

Available at: www.cms.int
1973


   Arctic States signed: Canada, Denmark/Greenland, Iceland, Finland, Norway, Russia, Sweden and USA

   CITES works toward ensuring that the international trade of wild animals and flora crossing international borders does not threaten their survival.

   Relevant activities:

   There is no geographic focus on the Arctic but a there are a number of species relevant to the Arctic that are listed in the three CITES Appendices. Trade in these species and their parts and derivatives is subject to the provisions of the Convention. Cetaceans are listed in the Appendices with a special provision for indigenous subsistence hunting in West Greenland of mink whales. The narwhal is included in Appendix III for Canada.

   Other relevant provisions include CITES resolution 8.3 which recognises that unless conservation programmes take into account the needs of local people and provide incentives for the sustainable use of wild flora and fauna, conversion to alternative forms of land may occur. CITES resolution 12.30 on compliance and enforcement recommends that parties promote incentives to secure the support and cooperation of local and rural communities in managing wildlife resources and therefore combining illegal trade.

   Under the CITES Action Plan, parties to the Convention are encouraged to develop and implement appropriate economic, education and awareness programmes that lead to local involvement in wildlife management and stimulate participation in combating illegal trade within and from producing countries. Essentially to monitor that where trade takes place and it do so in an non-detrimental way.

   Available at: [www.cites.org](http://www.cites.org)


   Arctic States signed: Canada, Denmark/Greenland, Iceland, Finland, Norway, Russia, Sweden, and USA

   The International Convention for the Prevention of Pollution from Ships (MARPOL) is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes.

The Convention aims to eliminate marine pollution by oil and other harmful substances, and sewage and garbage. Improvement of control of operational discharges of oil and reduction of the amount of oil released through accidents are also important issues. Certain valuable areas are designated MARPOL-Special Areas however the Arctic area has not yet been designated as such an area. Also, Canada’s ratification of MARPOL specifically excludes the Arctic north of 60°N latitude so the convention does not apply to Canadian Arctic waters.


Arctic States signed: Canada, Denmark/Greenland, Norway, Russian Federation and USA

This 1973 agreement between the governments of Canada, Denmark, Norway, USSR, and the United States recognizes the responsibilities of the circumpolar countries for coordination of actions to protect polar bears. The agreement commits the signatories to manage polar bear populations in accordance with sound conservation practices; prohibits hunting, killing, and capturing bears except for limited purposes and by limited methods, and commits all parties to protect the ecosystems of polar bears, especially denning and feeding areas and migration corridors.


The term the Arctic is confusing as it seems to suggest a singular region with an unsettled sovereignty. The Arctic is of course, an ice-covered sea surrounded by land as opposed to an ice-covered continent surrounded by sea, as in the case of the Antarctic. This geographic difference has also enormous implications for how both regions should be treated from a legal point of view. In this article, the former Legal Adviser/Director General of the Canadian Department of External Affairs reviews Canada’s right and responsibilities with regard to the Arctic.

Available at: http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/jmlc3&div=9&id=&page


Arctic States signed: Canada, Denmark/Greenland, Iceland, Finland, Norway, Russia, and Sweden

Under the World Heritage Convention (adopted by UNESCO’s General Conference (1972) ) Alta in Norway and the Laponian Area (Sweden) are considered World Heritage Properties. In 2004, the Natural System of Wrangel Island Reserve, Russian Federation, and Ilulissat Icefjord (Denmark/Greenland) were established. In August 2010, Russia's Siberian Putorana Plateau was also added.

Available at: www.whc.unesco.org


Arctic States signed: Canada, Denmark/Greenland, Iceland, Finland, Norway, Russia, Sweden and USA

The aims of the London Convention are to protect the marine environment from human activities and to promote the effective control of all sources of marine pollution and to take all practicable steps to prevent pollution of the sea by dumping of wastes and other matter.

The Preamble to the Convention states that the contracting parties to the Convention:

*Recognize that the marine environment and the living organisms which it supports are of vital importance to humanity, and all people have an interest in assuring that it is so managed that its quality and resources are not impaired and that the capacity of the sea to assimilate wastes and render them harmless, and its ability to regenerate natural resources, is not unlimited;*

*Recognize that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their*
jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction;

The Convention has also produced reports on Soviet dumping in the Arctic.

Available at: http://www.imo.org/home.asp?topic_id=1488

Arctic States signed: Canada, Denmark/Greenland, Finland, Iceland, Norway, Russia, Sweden and USA

The mission of the Ramsar Convention on Wetlands is “the conservation and wise use of all wetlands through local, regional and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world”. Wetlands are defined are inland wetlands (including tundra), coastal and near shore marine wetlands (to a depth of 6 metres) and human-made wetlands. Most of the arctic is considered a wetland under the terms of the Convention. More specifically, the Convention has recognised a number of wetlands within the Arctic Circle as Ramsar Wetland Sites. The Convention text also recognises the interdependence of people and their environment. The Convention is implemented through three “pillars”: (i) conservation and wise use of all wetlands; (ii) designation and management of Wetlands of International Importance (Ramsar sites); and (iii) international cooperation.

The Convention has developed a number of measures under its Ramsar “toolkit” of wise use guidelines. Among them are Guidelines for establishing and strengthening local communities’ and Indigenous Peoples participation in the management of wetlands (Ramsar Wise Use Handbook 5).

Available at: [www.ramsar.org](http://www.ramsar.org)


In the Spring of 1970, Canada enacted two statutes: one extended Canada’s territorial sea to twelve miles and authorized the establishment of exclusive fishing zones beyond twelve miles; the other declared an anti-pollution zone up to 100 nautical miles from Canada’s Arctic coast, forbidding pollution in that zone and imposing civil liability and penalties for violation. It also authorized inspection of vessels to prevent pollution. At the same time, Canada modified its declaration under Article 36 of the Statute of the International Court of Justice to decline compulsory jurisdiction as regards issues arising out of its anti-pollution measures. This article examines whether those actions were unilateral that did not pursue change by international agreement.

Available at: [http://www.jstor.org/pss/2199301](http://www.jstor.org/pss/2199301)


The Alaska Native Claims Settlement Act established a land agreement between the Secretary of the Interior and Alaska Natives. In the agreement, 44 million acres of public land were recognized as falling under Alaska Native title and a further 80 million acres were to be used by the Government as new national wildlife parks, forests and wild and scenic rivers. The Act has been frequently amended over the years, most recently as 1999.
Available at: http://www.fws.gov/laws/lawsdigest/alasnat.html

The Governments of Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America signed a treaty ensuring the use of Antarctica for the following purposes:

(a) use of Antarctica for peaceful purposes only;

(b) facilitation of scientific research in Antarctica;

(c) facilitation of international scientific cooperation in Antarctica;

(d) facilitation of the exercise of the rights of inspection provided for in Article VII of the treaty;

(e) questions relating to the exercise of jurisdiction in Antarctica;

(f) preservation and conservation of living resources in Antarctica.

Available at: [http://www1.umn.edu/humanrts/peace/docs/antarcticnuc.html](http://www1.umn.edu/humanrts/peace/docs/antarcticnuc.html)
1958

1958


Article 6 (1) of the 1958 Convention:

“Where the same continental shelf is adjacent to the territories of two or more States whose coasts are opposite each other, the boundary of the continental shelf appertaining to such States shall be determined by agreement between them. In the absence of agreement, and unless the boundary line is justified by special circumstances, the boundary is the median line, every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured.”

Available at:

1. Agreement between the Royal Norwegian Government and the Government of the Union of Soviet Socialist Republics concerning the sea frontier between Norway and the USSR in the Varangerfjord, 15 February, 1957

The sea frontier between Norway and the Union of Soviet Socialist Republics in the Varangerfjord shall follow a straight line between specified points. Neither of the Contracting Parties shall extend its territorial waters beyond the straight line extending from other specified locations. The Parties shall establish, on a footing of equality, a Joint Soviet-Norwegian Boundary Commission, which shall calculate the geographical coordinates of the specified points.

Available at: http://www.ecolex.org/server2.php/libcat/docs/TRE/Bilateral/Other/bi-32736.pdf
1. Treaty between Norway, the United States of America, Denmark, France, Italy, Japan, the Netherlands, Great Britain and Ireland and the British overseas Dominions and Sweden concerning Spitsbergen signed in Paris, 9th February 1920.

The Treaty recognizes the sovereignty of Norway over the Archipelago of Spitsbergen, comprising with Bear Island or Beeren-Eiland all the islands situated between 10° and 35° longitude East of Greenwich and between 74° and 81° latitude North, especially West Spitsbergen, North-East Land, Barents Island, Edge Island, Wiche Islands, Hope Island or Hopen-Eiland, and Prince Charles Foreland.

The treaty gives the rights of fishing, hunting and liberty of access and entry for any reason to the High Contracting parties, including the practice of all maritime, industrial, mining and commercial operations on a footing of absolute equality.

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<td>ACIA</td>
<td>Arctic Climate Impact Assessment</td>
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<td>AEWA</td>
<td>Agreement on the Conservation of African-Eurasian Migratory Water birds</td>
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<td>AMAP</td>
<td>Arctic Monitoring and Assessment Programme</td>
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<td>AMSA</td>
<td>Arctic Marine Shipping Assessment</td>
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<td>AMSP</td>
<td>Arctic Marine Strategic Plan</td>
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<td>ASTI</td>
<td>Arctic Species Trend Index</td>
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<td>ATCM</td>
<td>Antarctic Treaty Consultative Meeting</td>
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<td>BEAC</td>
<td>Barents Euro-Arctic Council</td>
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<tr>
<td>BEAR</td>
<td>The Council of the Barents Euro-Arctic Region</td>
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<td>BOEMRE</td>
<td>Bureau of Ocean Energy Management, Regulation and Enforcement</td>
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<td>Convention on Biological Diversity</td>
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<tr>
<td>CBMP</td>
<td>Circumpolar Biodiversity Monitoring Programme</td>
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<td>CITES</td>
<td>Convention on International Trade in Endangered Species of Wild Fauna and Flora</td>
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<td>CLCS</td>
<td>Commission on the Limits of the Continental Shelf</td>
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<td>CMS</td>
<td>Convention on Migratory Species</td>
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<tr>
<td>CoP</td>
<td>Conference of Parties</td>
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<tr>
<td>EBM</td>
<td>Ecosystem based management</td>
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<tr>
<td>EC</td>
<td>European Commission</td>
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<tr>
<td>ECOLEX</td>
<td>UNEP/FAO/IUCN joint environmental law information service</td>
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<tr>
<td>EEZ</td>
<td>Exclusive economic zone</td>
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<tr>
<td>EPSS</td>
<td>Emergency Prevention, Preparedness and Response</td>
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<tr>
<td>EU</td>
<td>European Union</td>
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<tr>
<td>FMP</td>
<td>Fishery management plan</td>
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<td>GEF</td>
<td>Global Environment Facility</td>
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<td>GIWA</td>
<td>Global International Waters Assessment</td>
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<td>IPY</td>
<td>International Polar Year</td>
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<td>ISA</td>
<td>International Sea-bed Authority</td>
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<td>IUCN</td>
<td>International Union for the Conservation of Nature</td>
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<td>MEA</td>
<td>Multilateral Environmental Agreement</td>
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<td>MOU</td>
<td>Memorandum of Understanding</td>
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<td>MPA</td>
<td>Marine protected area</td>
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<td>NAAEC</td>
<td>The North American Agreement on Environmental Cooperation</td>
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<td>NAFO</td>
<td>North Atlantic Fisheries Organization</td>
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<td>ND</td>
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<td>The International Convention on Oil Pollution Preparedness, Response and Cooperation</td>
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<td>Convention for the Protection of the Marine Environment of the North-East Atlantic</td>
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<td>PAME</td>
<td>Protection of the Arctic Marine Environment</td>
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<td>PSSA</td>
<td>Particularly sensitive sea area</td>
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<td>POP</td>
<td>Persistent Organic Pollutant</td>
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<tr>
<td>SAON</td>
<td>Sustaining Arctic Observing Networks</td>
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<tr>
<td>SAR</td>
<td>Search and rescue</td>
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<tr>
<td>SCOPAR</td>
<td>Standing Committee of Parliamentarians of the Arctic Region</td>
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<tr>
<td>SDWG</td>
<td>Sustainable Development Working Group</td>
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<tr>
<td>UNCED</td>
<td>United Nations Conference on Environment and Development</td>
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<tr>
<td>UNEP</td>
<td>United Nations Environment Programme</td>
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<tr>
<td>Acronym</td>
<td>Full Form</td>
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<tr>
<td>UNESCO</td>
<td>United Nations Educational, Scientific and Cultural Organization</td>
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<tr>
<td>UNTS</td>
<td>United Nations Treaty Series</td>
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<tr>
<td>WHC</td>
<td>World Heritage Convention</td>
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<tr>
<td>WSSD</td>
<td>World Summit on Sustainable Development</td>
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