Arctic Governance: Myths and Reality

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The Arctic: A region on the verge of major change
Diminishing Ice Coverage?
New Shipping Routes?
Resource Grab?
Arms Race?
Myths or Reality?

The Arctic:

• Exists in a legal vacuum
• Needs protection
• Requires a new international framework
• Should be treated like the Antarctic
Reality: Overview

- Legal and political framework
- Disputes
- Extended continental shelf
- Shipping
- Arctic countries are on the job
Polar Opposites
Ilulissat Declaration

• “We recall that an extensive international legal framework applies to the Arctic Ocean”

• “Notably, the law of the sea provides for important rights and obligations”

• “We remain committed to this legal framework and to the orderly settlement of any possible overlapping claims.”
The Arctic Council: A key regional forum

- Canadian leadership – 1996 Ottawa Declaration
- 8 countries: Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden, United States
- Involvement of 6 international Indigenous peoples organizations as Permanent Participants
- Objectives: advance Arctic cooperation, coordination and interaction on sustainable development and environmental protection
Nuuk Ministerial (May 2011):

• **Moving from science and policy shaping to policy making**
  – First ever legally-binding instrument – search and rescue
  – Starting to work on marine oil pollution instrument

• **Strengthening of organizational capabilities**
  – Permanent secretariat (Tromsø) for 2013
  – Clear criteria and guidelines for observer participation
Managing the Disputes

1. Hans Island
1.3 km² uninhabited island (with Denmark)

2. Lincoln Sea
maritime zones of 65 NM² (with Denmark)

3. Beaufort Sea
maritime zone of 6,250 NM² (with the US)
Hans Island

Lincoln Sea

Beaufort Sea
Extended Continental Shelf
Collecting data on, over, through and under ice

- 3 Canadian surveys
- 4 joint surveys with US
- 6 joint surveys with Denmark
Canada-US
Arctic Cooperation Agreement (1988)
Canada Is Open for Business

• Canada welcomes navigation
• Navigation will be instrumental to sustainable development
• Navigation must respect Canada’s controls related to:
  – Safety
  – Security
  – Protection of the environment
  – Inuit interests
Protecting the Arctic Environment

- **Arctic Waters Pollution Prevention Act**
  - Since 1970

- The “Arctic exception”
  - UNCLOS art. 234
  The right of coastal states to adopt and enforce measures for the prevention, reduction and control of pollution from vessels in ice-covered areas out to the limits of their EEZ
Winter Ice

- Ice cover on 13 March 2012
- Winter sea ice extent diminishing but will remain substantial
The NWP: Unattractive to commercial shipping

• Lack of predictability
• Short and uncertain timing/duration of shipping window
• Important hazards:
  – dangerous ice;
  – poor visibility;
  – difficult communications
• Likelihood of delays
Polar Code

- Negotiation at IMO for completion in 2014
- International standards to address hazards specific to polar shipping such as ice, remoteness and extreme weather
- Will need to set robust standards to provide for sufficient levels of safety and environment protection
Arctic Search and Rescue
Oil Pollution
Preparedness and Response

• Task force of the Arctic Council established at the Nuuk Ministerial

• Work underway to develop an instrument on cooperation

• Objective is to be in a better position to respond should there be an oil spill in the Arctic
In Conclusion

• An extensive legal framework is already in place for the Arctic
• Disputes and disagreements between Arctic neighbours are well-managed
• Arctic states will continue to work together on issues such as the extended continental shelf, navigation, and protection of the unique Arctic environment
Questions?