



# Arctic Governance: Myths and Reality

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# The Arctic:

## A region on the verge of major change



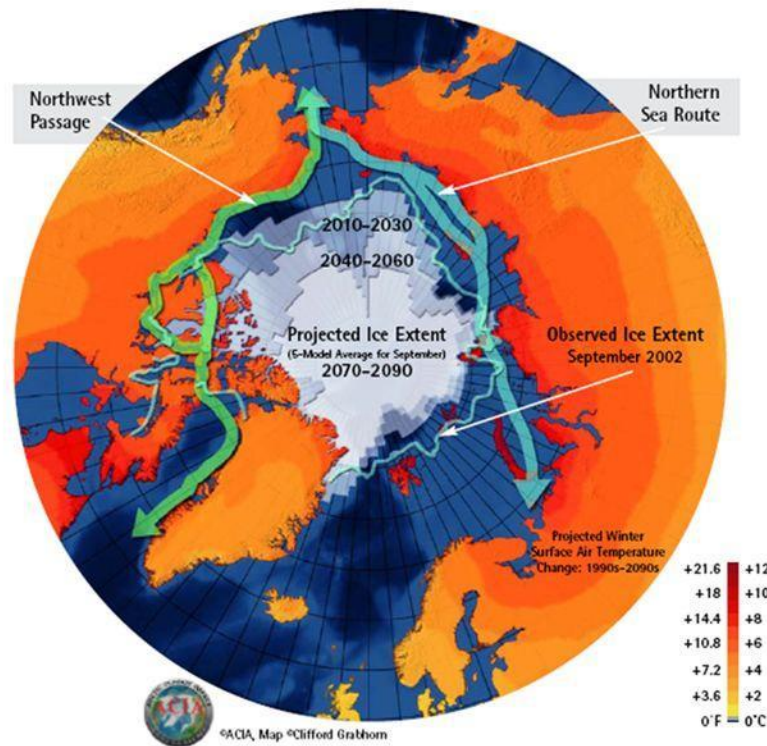
# Diminishing Ice- Coverage?

## Arctic Sea Ice

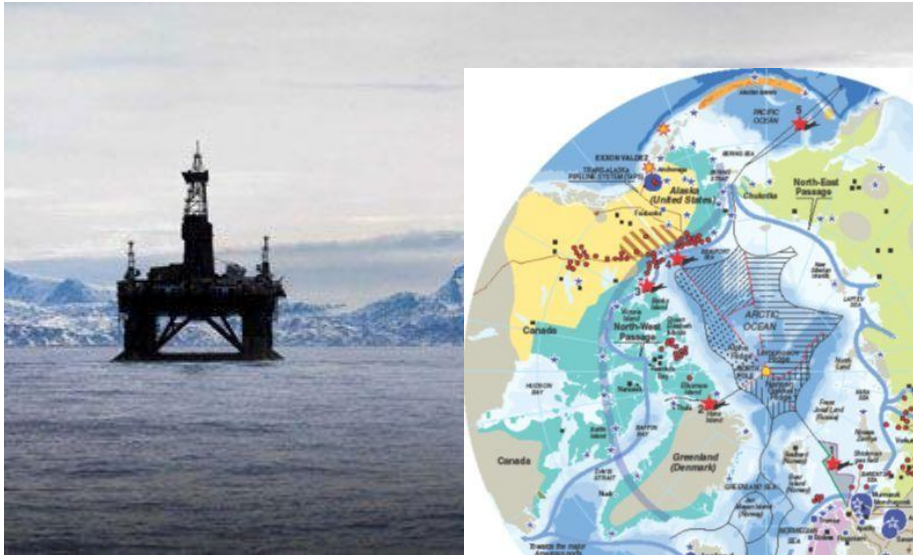




# New Shipping Routes?



# Resource Grab?





# Arms Race?



# Myths or Reality?

## The Arctic:

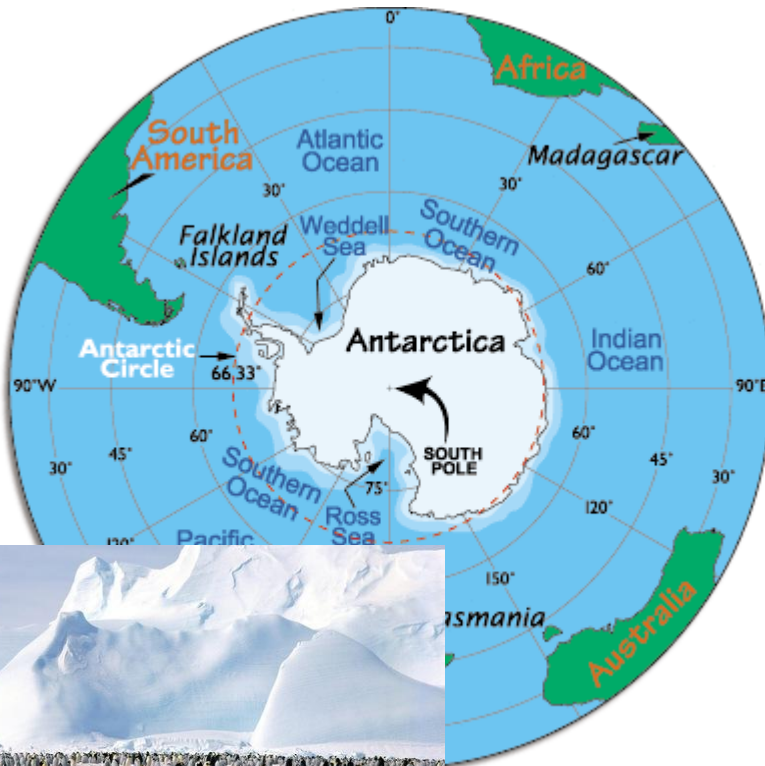
- Exists in a legal vacuum
- Needs protection
- Requires a new international framework
- Should be treated like the Antarctic

# Reality: Overview

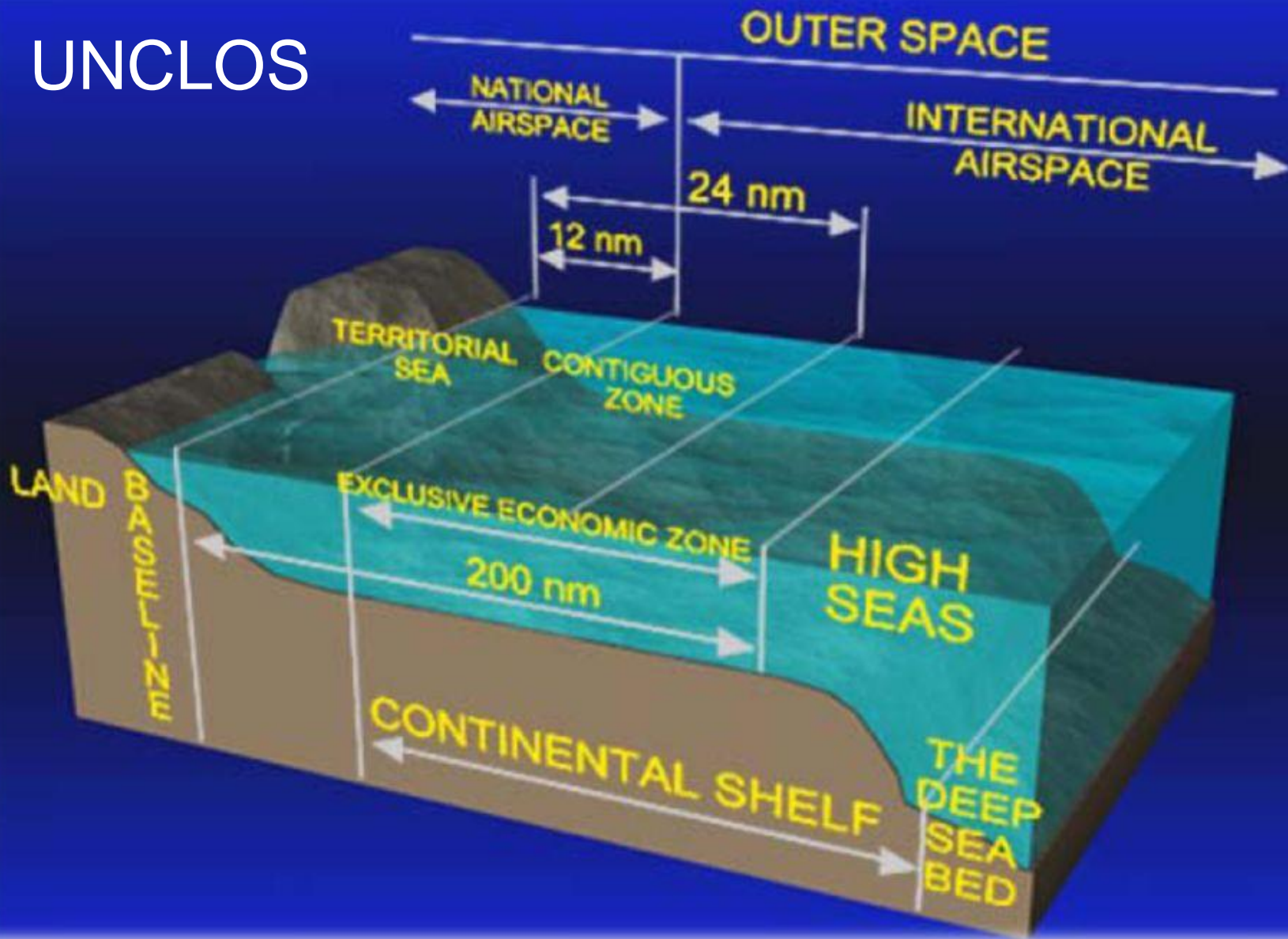
- Legal and political framework
- Disputes
- Extended continental shelf
- Shipping
- Arctic countries are on the job



# Polar Opposites



# UNCLOS



# 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 km<sup>2</sup> uninhabited island  
(with Denmark)

## 2. Lincoln Sea

maritime zones of 65 NM<sup>2</sup>  
(with Denmark)

## 3. Beaufort Sea

maritime zone of 6,250  
NM<sup>2</sup>  
(with the US)



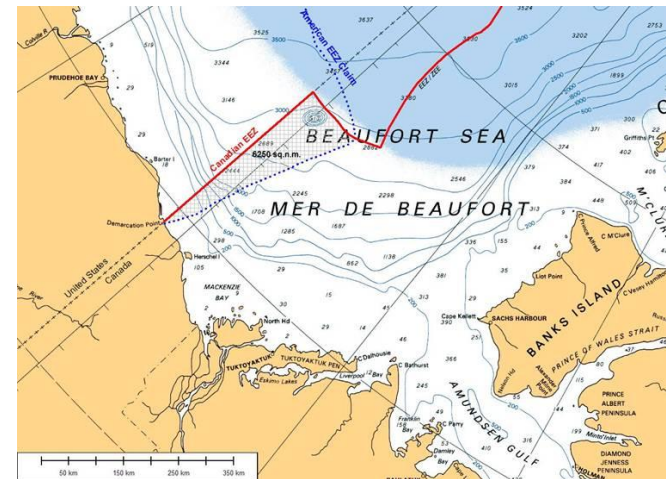
# Lincoln Sea



## Hans Island

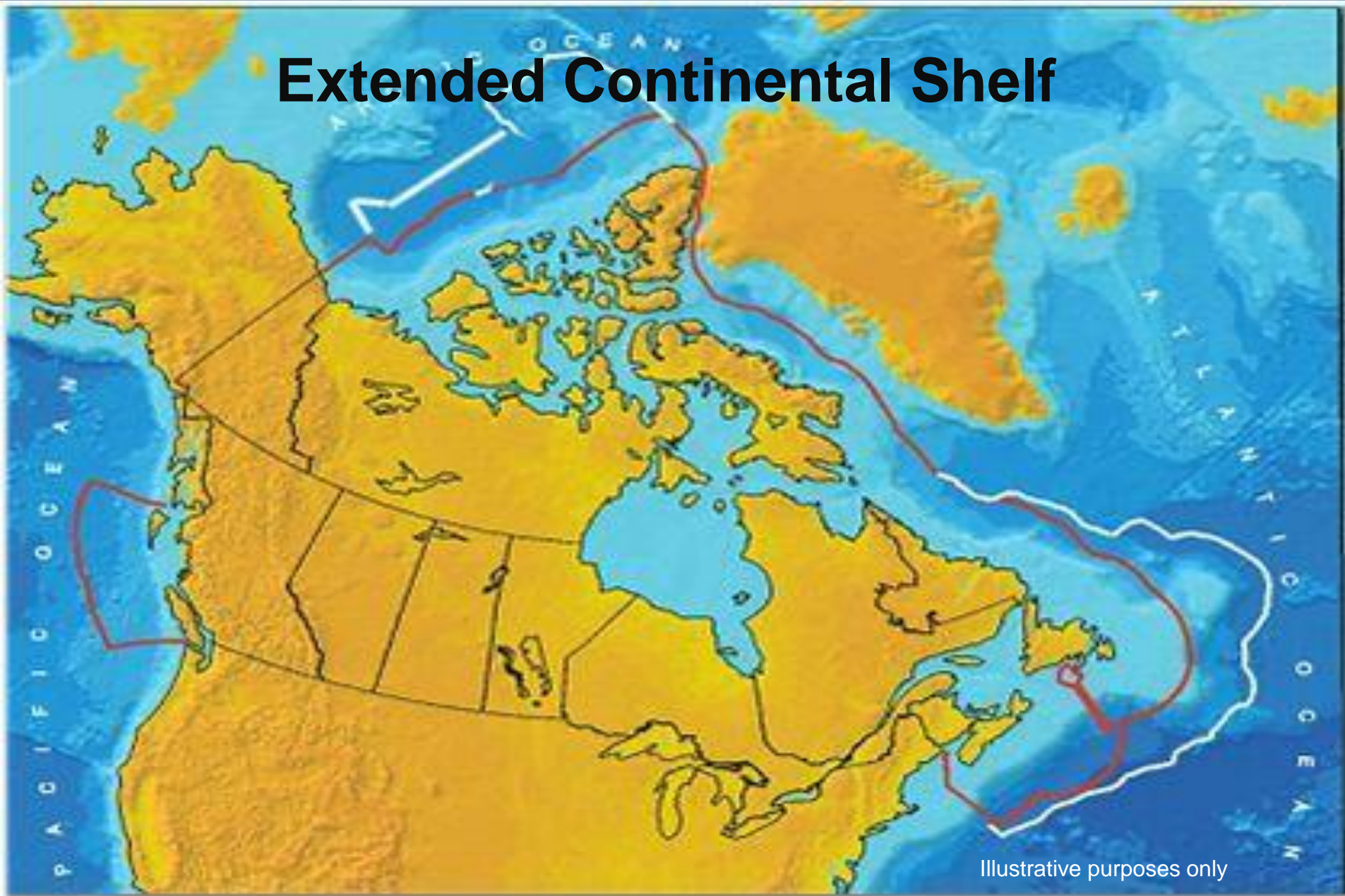


## Beaufort Sea





# Extended Continental Shelf



Illustrative purposes only



# Collecting data on, over, through and under ice

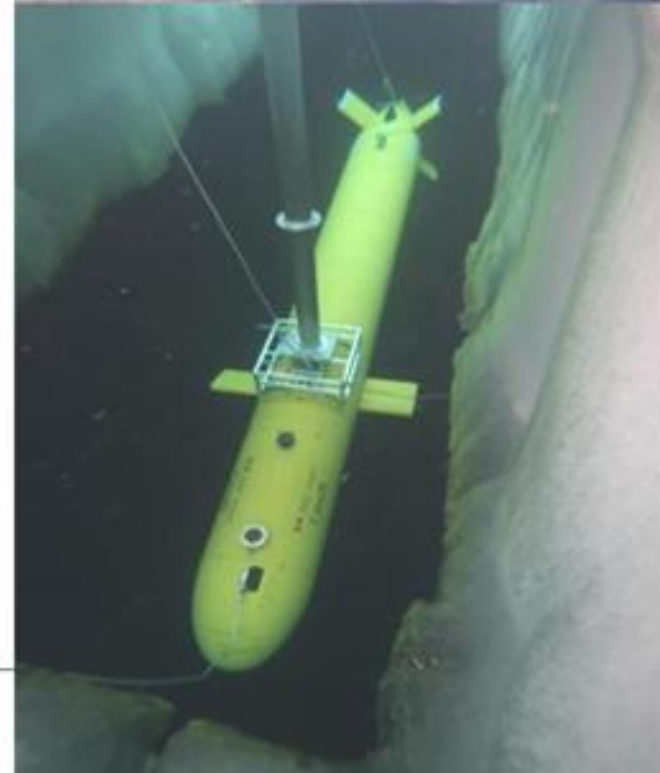


Photo credit: Janice Lang, PCSD/NRCCan, GNS/DFO

- 3 Canadian surveys
- 4 joint surveys with US
- 6 joint surveys with Denmark



DFAIT/DFO/NRCan



# Navigation







# **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

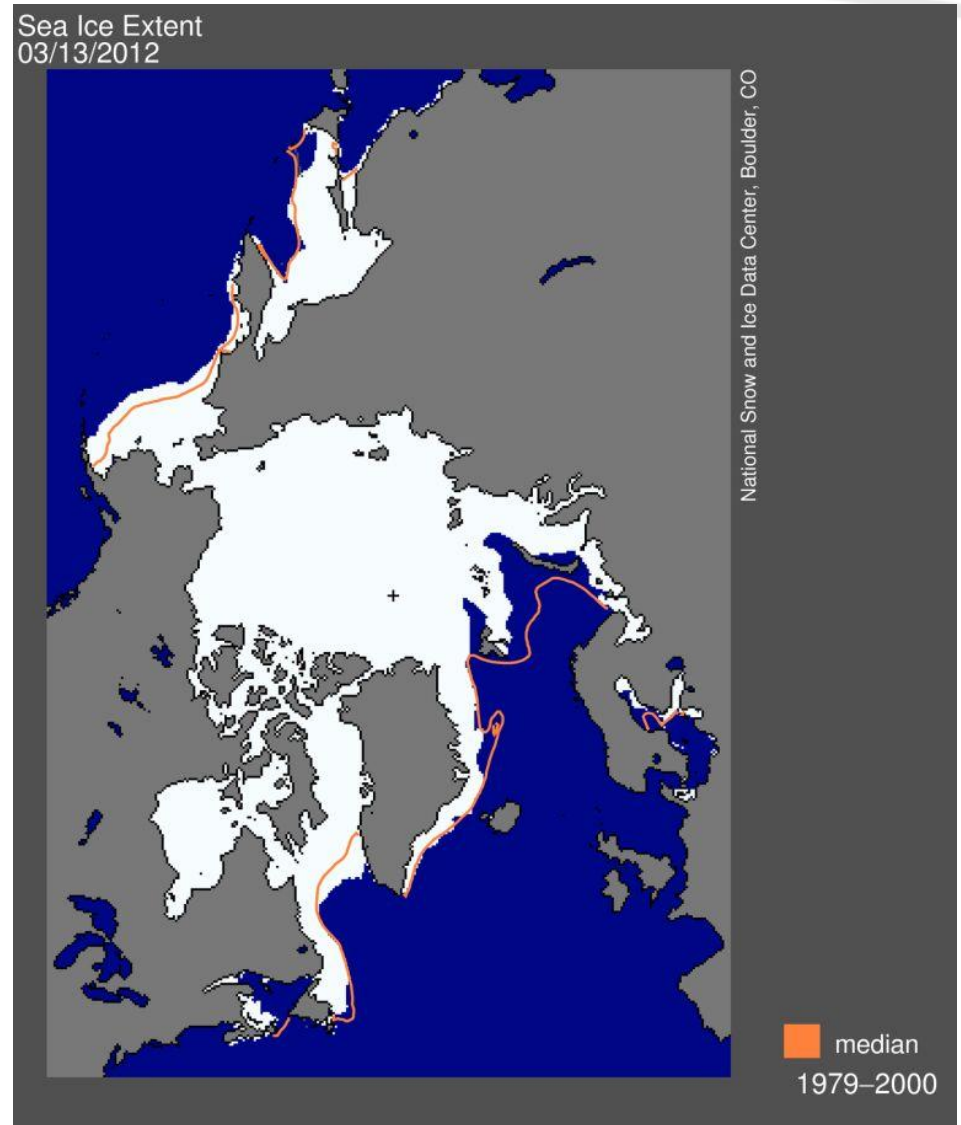
- The “Arctic exception”
  - UNCLOS art. 234

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?

