

NUS - Sweden Embassy Arctic Roundtable
NUS Shaw Foundation Alumni House
Wednesday 21 November 2018

CIL AND THE ARCTIC

Robert Beckman

Head, Ocean Law and Policy Programme,
Centre for International Law, NUS
Associate Professor, Faculty of Law, NUS

CIL – Who We Are



CENTRE FOR INTERNATIONAL LAW
National University of Singapore

- University-level research institute established in 2009 in response to the growing need for international law thought leadership and capacity building in the Asia-Pacific region
- Located on Bukit Timah Campus together near NUS Faculty of Law
- Focus areas of research and training are ocean law and policy, ASEAN law and policy, investment law and policy, and international law and practice.

- 7 Researchers & 3 Consultants
- Ocean Governance at Global, Regional and National Levels
- Focus on regulation of shipping & protection of marine environment
- Special grant from Maritime & Port Authority (MPA) through Singapore Maritime Institute (SMI)

BOOK: Governance of Arctic Shipping: Balancing Rights and Interests of Arctic States and User States Edited by Beckman, Henriksen, Kraabel, Molenaar & Roach Brill 2017 (with KG Jebsen Centre for the Law of the Sea at the UiT / The Arctic University of Norway, Tromso)

ONLINE GUIDE: A Guide to Arctic Issues for Arctic Council Observers, J Ashley Roach, Centre for International Law (Updated Periodically), latest edition, revised Nov 2018

BOOK CHAPTERS:

- Millicent McCreath and Lawson W Brigham “**Challenges for the Establishment of Marine Protected Areas in Response to Arctic Marine Operations and Shipping**” in Sustainable Shipping in a Changing Arctic, Edited by Lawrence P Hildebrand, Lawson W Brigham and Tafsir M Johansson 2018
- Zhen Sun and Robert Beckman, “**The Development of the Polar Code and Challenges to Its Implementation**”, in Commons and the Law of the Sea: Maritime Cooperation in East Asia, (2018, Vol 5 Edited by Keyuan Zou)

- CIL organizes occasional Seminars on the Arctic when consultants or visiting experts are in Singapore
- **Most Recent:** Thursday 15 November 2018
 - **“Governance of Arctic Shipping: Recent Developments & Prospects”**
 - Speakers:
 1. Capt J Ashley Roach, Visiting Senior Principal Research Fellow, Office of Legal Advisor, US State Dept (retired)
 2. Prof Aldo Chircop, Visiting Consultant, Canada Research Chair in Maritime Law and Policy, Dalhousie University, Canada
 3. Prof Henrik Ringbom, Professor II, Scandinavian Institute of Maritime Law, University of Oslo, Norway

1. Governance of Arctic Shipping – UNCLOS, IMO Conventions and National Legislation
2. Protection of Marine Environment of the Arctic from Shipping and Off-Shore Oil & Gas Exploitation
3. Potential Impact of Arctic Shipping on Global Shipping Routes
4. Regulation of Shipping in the Arctic: National Legislation vs Global Rules, Arctic Council vs IMO
5. Polar Code and other IMO Regulations to protect the marine environment from ship-source pollution

The Arctic Region



Names and boundary representation are not necessarily authoritative
August 21, 2015 - U1282 STATE (H1U)



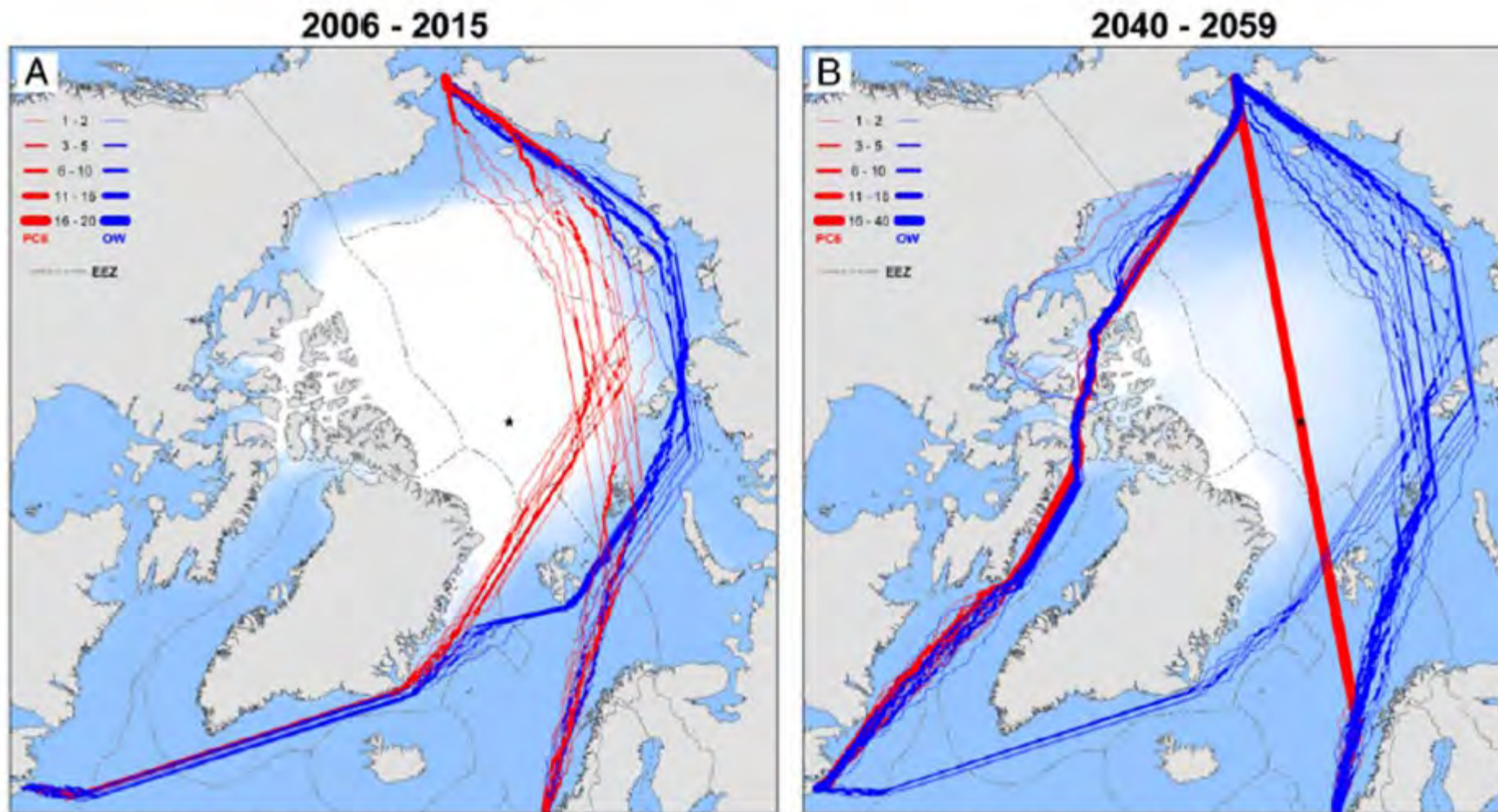
Possible New Routes through Arctic Ocean:
Shorter distance of around 3,900 to 4,500 nm in both the
Northwest Passage and the Northern Sea Route

Sources: http://www.grida.no/graphicslib/detail/northern-sea-route-and-the-northwest-passage-compared-with-currently-used-shipping-routes_1336.

Author: Hugo Ahlenius, UNEP/GRID-Arendal;

http://www.discoveringthearctic.org.uk/images/1img_nwne_globes.jpg

Expanding Ship Operations in the Arctic Ocean



Smith, L.C. and Stephenson, S.R. 2013. New Trans-Arctic shipping routes navigable by midcentury. Proceedings National Academy of Sciences of the United States. Pp 1-5. doi/10.1073/pnas.1214212110

Regulation of Shipping in the Arctic: Global Rules vs National Rules

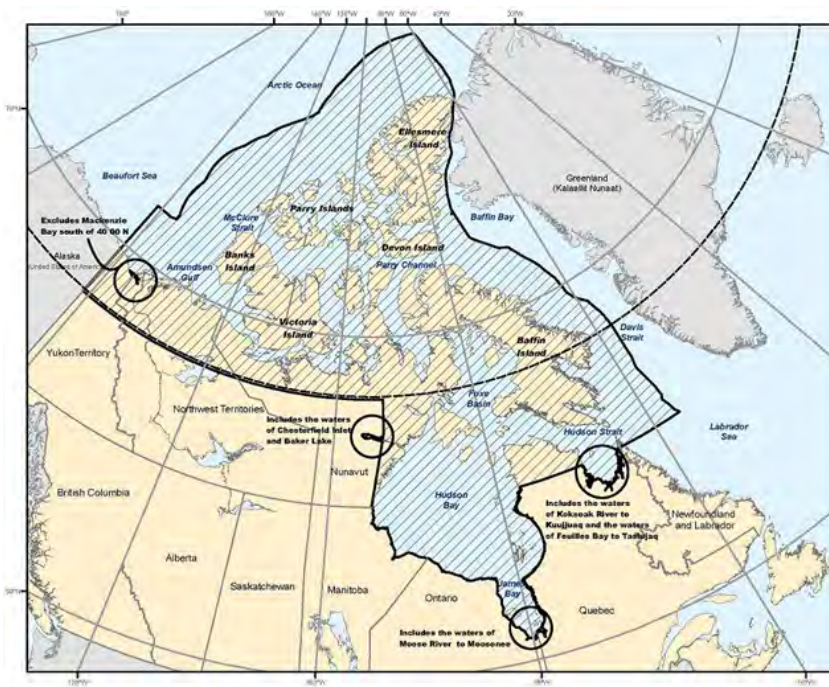
- Users States such as China, Japan and Korea would prefer that international shipping in the Arctic be governed by international rules established by the IMO
- Canada and the Russian Federation have reserved the right to regulate shipping through their waters by national laws and regulations.

Article 234. Ice-Covered Areas

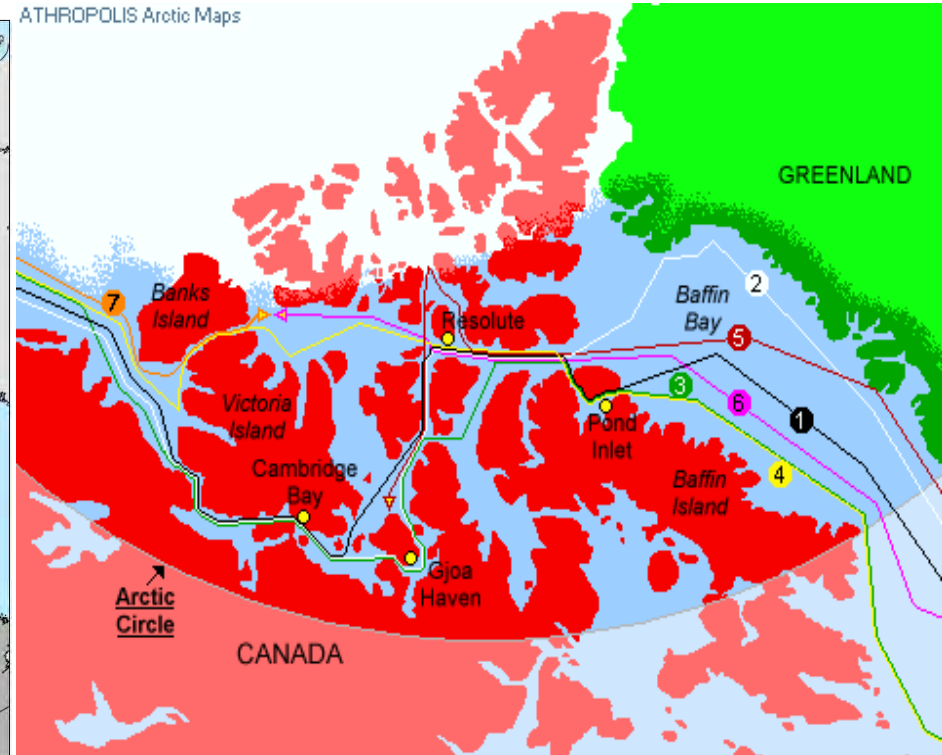
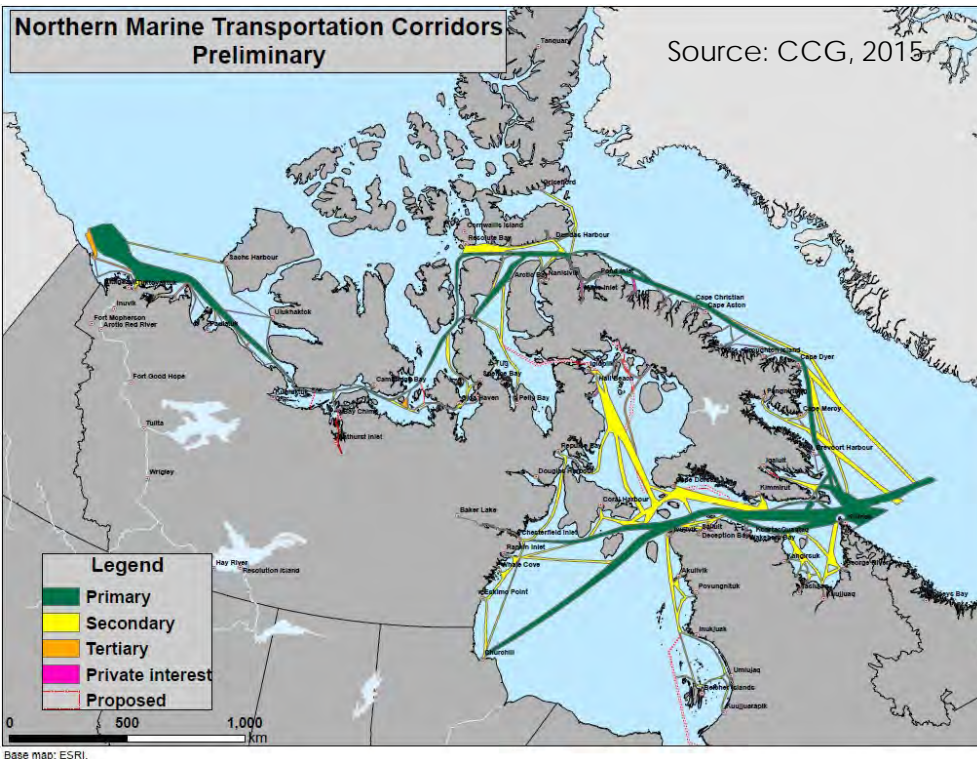
- Coastal States have the right to adopt and enforce non-discriminatory laws and regulations for the **prevention, reduction and control of marine pollution from vessels** in ice-covered areas within the limits of the exclusive economic zone, where particularly severe climatic conditions and **the presence 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.

Mandatory reporting

- Northern Canada Vessel Traffic Services Zone Regulations (NORDREG):
 - Scope: vessels of 300 GT +, vessels engaged in towing or pushing another vessel where the aggregate tonnage is 500 GT +, vessels transporting pollutants or dangerous goods as cargo or towing or are towing or pushing such vessels
 - Must report to the Marine Communications and Traffic Services center of the CCG
 - Before entering, during passage, before exiting Canadian Arctic waters
- NORDREG left intact



Northwest Passage: Low impact corridors under development



- Corridors to be designated where mariners will be able to depend on services.

- Corridors will not all coincide with all hypothetical NWP routes



USA

Arctic Ocean

Sweden

Finland

Barents Sea

Franz Josef Land

Chukchi Sea

Provideniya

Murmansk

Northwest Passage

Mys Shmidta

Arkhangel'sk

Novaya Zemlya

Northwest Passage

Pevek

Kara Sea

Laptev Sea

Dikson

Tiksi

Dudinka

Norilsk

Russia

Sea of Okhotsk

Thanks
for your Attention

Robert Beckman
cilbeckman@nus.edu.sg