Regional Cooperation for the Protection of the Marine Environment
The Arctic Model

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Outline

- Facts about the Arctic region
- The legal framework
- Cooperation for the protection of the marine environment
- Today’s challenges
- The way forward

Fridtjof Nansen
The Arctic Region
The Legal Framework

• THE ILULISSAT DECLARATION

“In this regard, we recall that an extensive international legal framework applies to the Arctic Ocean ... We therefore see no need to develop a new comprehensive international legal regime to govern the Arctic Ocean.”

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Arctic Coastal States’ maritime zones

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Without a comprehensive governance regime, the characteristic of the Arctic as a region is complex. It is a system of fragmented international, regional and bilateral regulations, complemented by non-binding soft law mechanisms. In addition, due to a large part of the Arctic being under national jurisdiction to one of the Arctic coastal states, different domestic regulations are added to the different regulatory layers.

The cornerstones of the current international law of the sea are the LOS Convention and its two implementation agreements, the Part XI Deep-Sea Mining Agreement and the Fish Stocks Agreement. Providing the jurisdictional framework for all activities carried out in and on the sea and seabed. The Arctic being an ocean, surrounded by continents, and not like the Antarctic a continent surrounded by an ocean, makes the LOSC the natural starting point in the coordination and regulation of different activities, and explain why the Arctic Coastal State through the Ilulissat declaration decided to not work for the development of a treaty regime governing the Arctic, but to work within the framework provided for by the existing legal regime.

Cooperation for the protection of the marine environment

- 1991- The Arctic Environmental Protection Strategy
- 1996 - The establishment of the Arctic Council
Cooperation for the protection of the marine environment

Legally binding instruments undertaken under the Arctic Council’s auspices:

- Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic (2011)
- Arctic Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic (2013)
- Agreement on Enhancing International Arctic Scientific Cooperation. (2017)
Regulating Arctic activities

1. Navigation:
   • The Polar Code (amending MARPO and SOLAS)
   • LOSC Article 234

2. Hydrocarbon activities:
   • Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic (MOPPR)
   • Regional arrangements (e.g. the Norwegian-Russian 1994 Agreement on Cooperation to Combat Oil-Spills in the Barents Sea)
Regulating Arctic activities (continues)

3. Resource management:
   • RFMOs and bilateral or regional organizations/arrangements (e.g. ICCAT, NAFO, NAFCO and NEAFC)
   • Agreement on Unregulated Fishing in the Arctic Ocean
     - A moratorium on fishing
     - A precautionary approach
Future Challenges

- The development of new legal mechanisms to protect the Arctic marine environment (Arctic regional model? BBNJ process?)
- Applicability of the Spitsbergen treaty
- Arctic Coastal States obligations in relation to impacts of climate change
Thank you for your attention

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