



UiT The Arctic University of Norway

Energy Security and Threats to Critical Offshore Energy Infrastructure in the Arctic

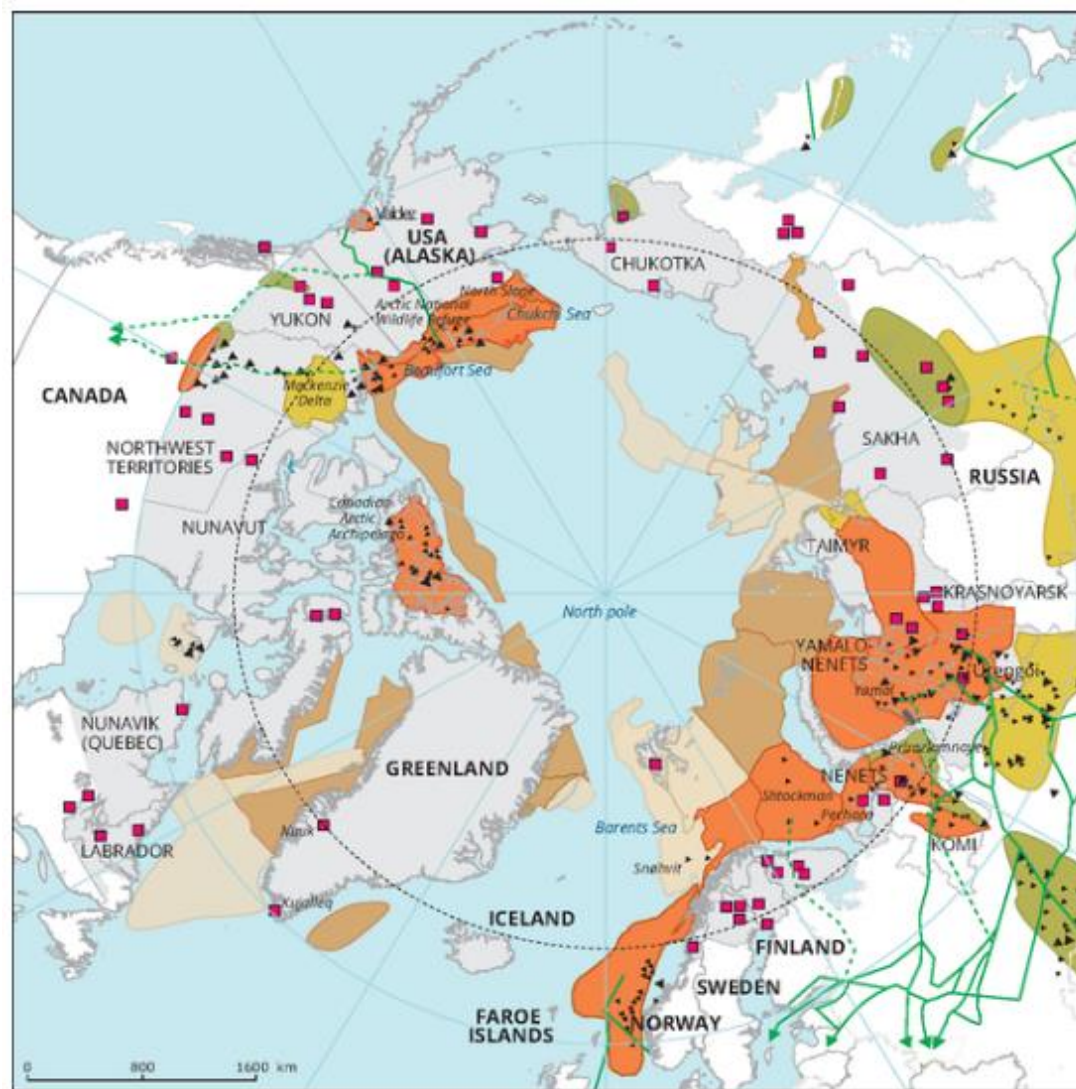
(Focus on Norway-Russia)

Norway-Singapore Science Week | Singapore, 26 September 2023

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—— NCLOS ——
NORWEGIAN CENTRE
FOR THE LAW OF THE SEA
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Arctic resources

Oil, gas and mining

- ▲ Oil and gas exploration and production sites
- Main mining sites
- Main projected pipeline
- Main existing gas and oil pipeline
- Prospective areas and reserves

Potential oil and/or gas field *

- Medium (30-50%), sea
- High (> 50%), sea
- Medium (30-50%), land
- High (> 50%), land

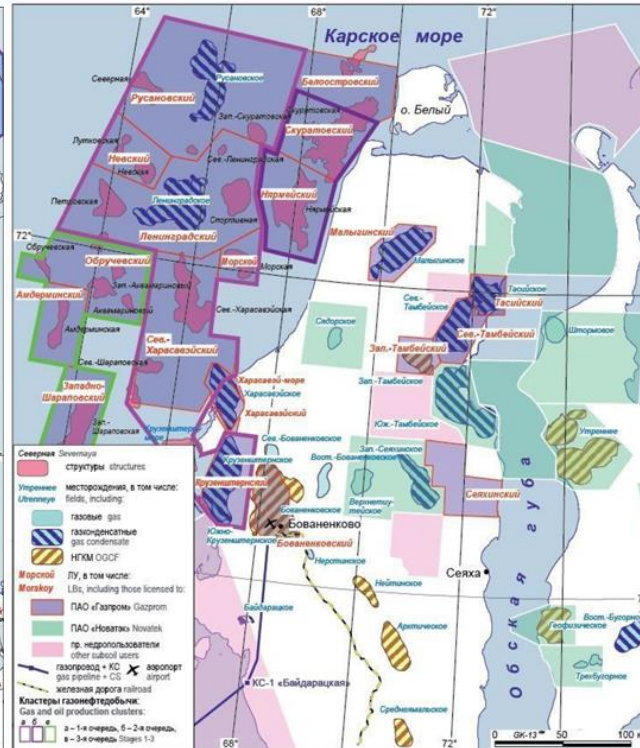
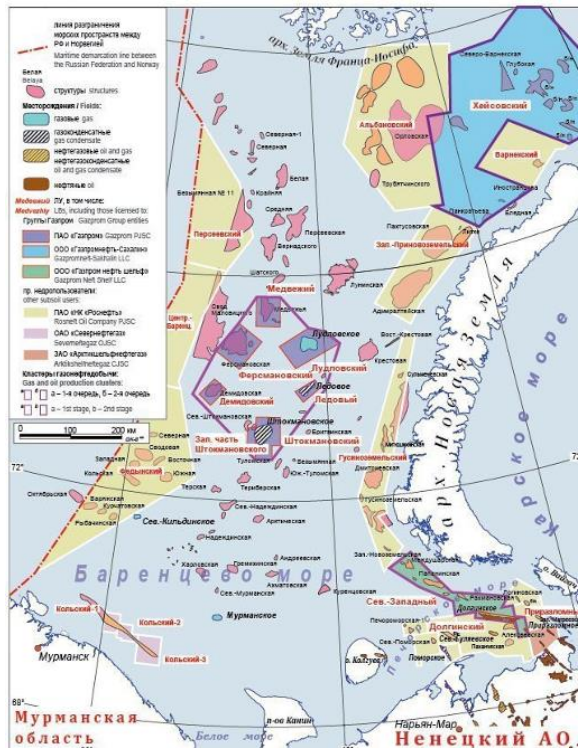
Other features

- Arctic circle
- National/regional boundaries
- Arctic region defined as in Arctic Human Development report

Notes:

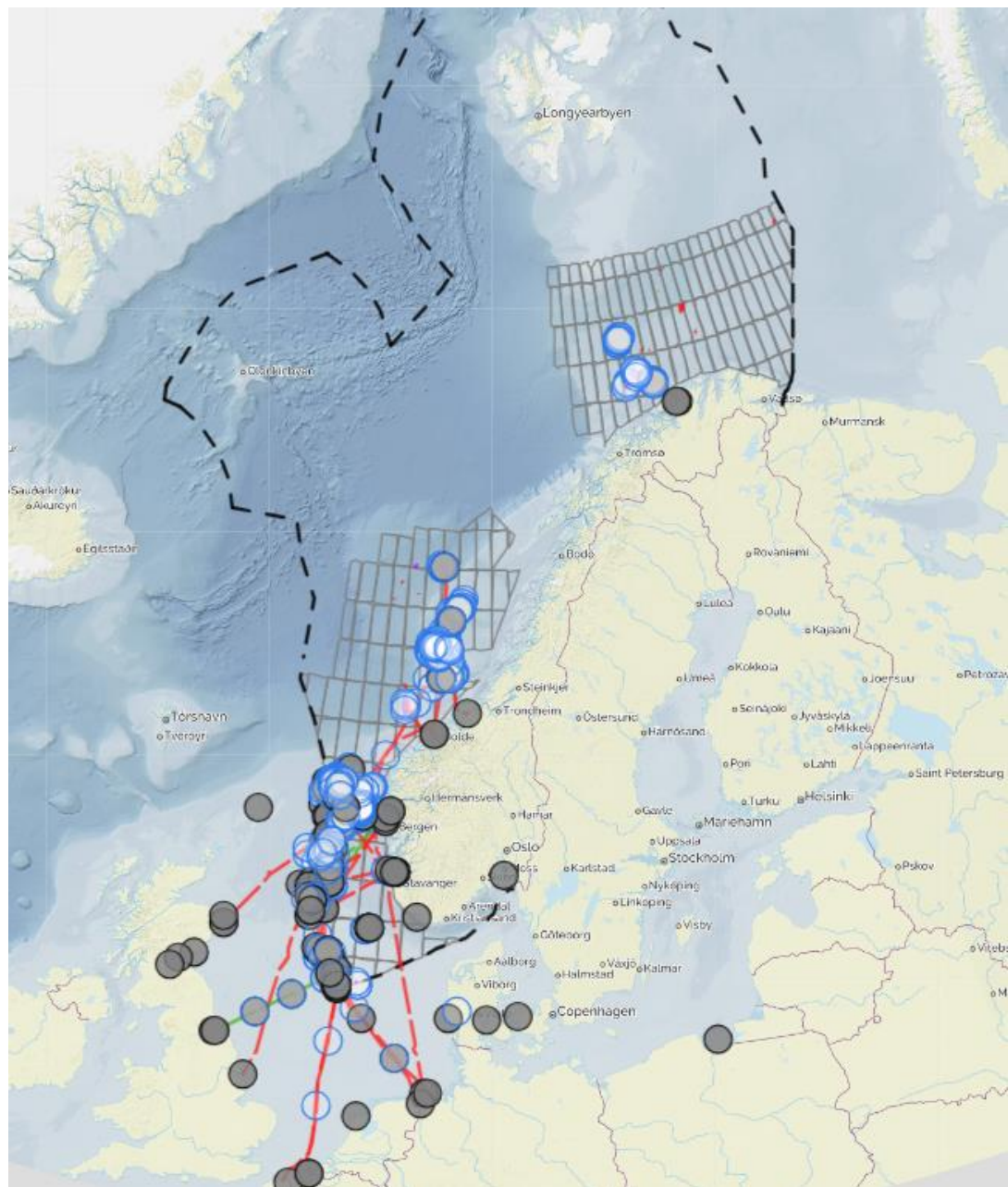
* Probability that at least one accumulation over 50 million barrels of oil or oil-equivalent gas exist after USGS.
The map was adapted by EEA from Nordregio, 2015

Rosneft offshore licenses in the Arctic



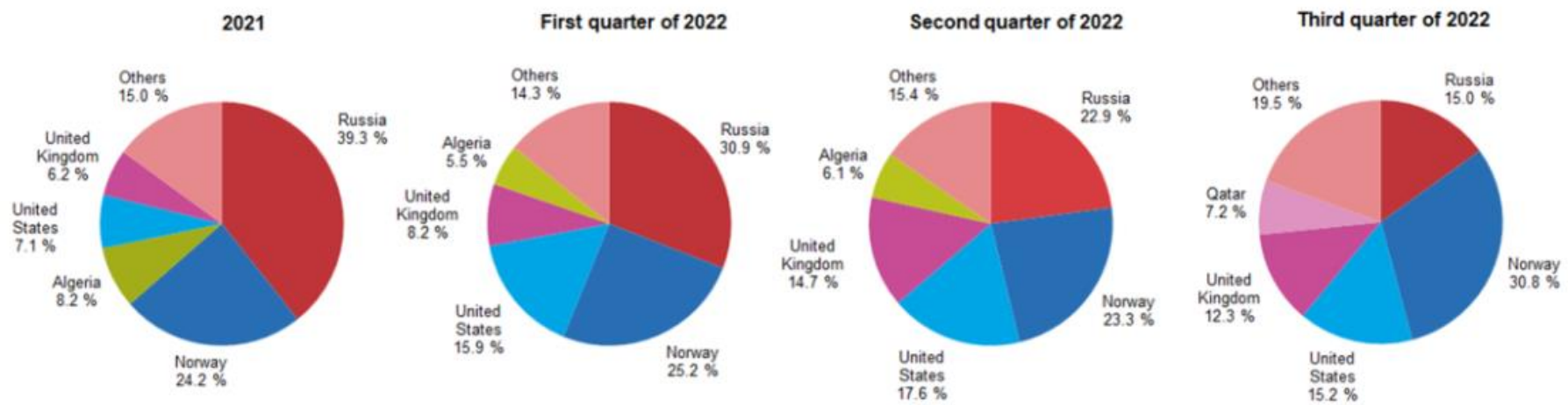
Overview map showing license areas in the Barents and Pechora seas.

License areas within the Kara Sea.

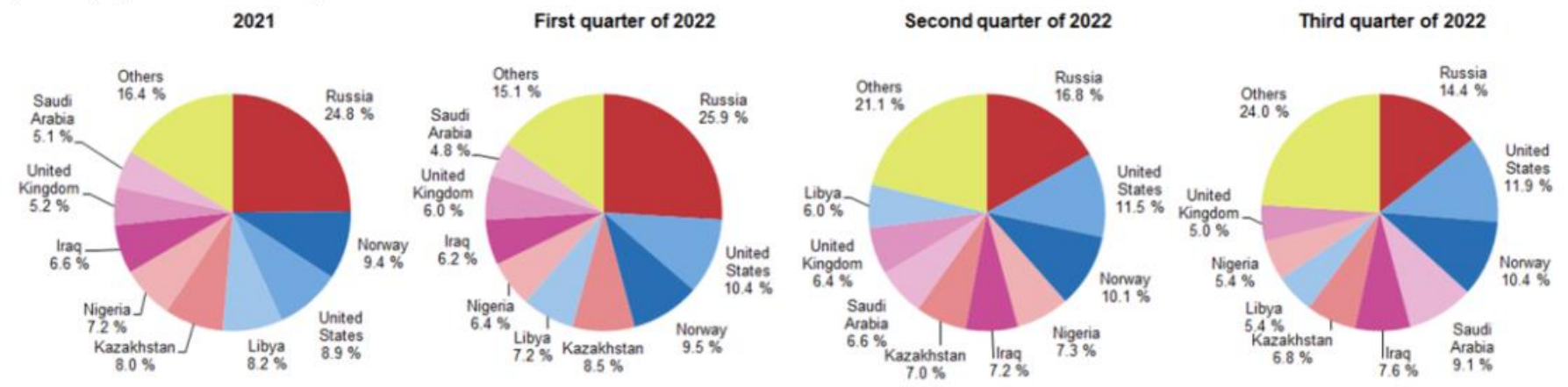


<https://www.norskpetroleum.no/interaktivt-kart-og-arkiv/interaktivt-kart/>

Extra-EU imports of natural gas by partner (share (%) of trade in value)



Extra-EU imports of petroleum oil by partner (share (%) of trade in value)



Source: Eurostat database (Comext) and Eurostat estimates

Fears over Russian threat to Norway's energy infrastructure



FILE - The Sleipner A gas platform, Norway, seen from the North Sea waves crashing against the Bore-Ruster/NTB Scanpix via AP. File)



Norway highlights threat of Russian spying to energy sector

Norwegian Police Security Service expects increased Russian activity around energy infrastructure

Norway oil safety regulator warns of threats from unidentified drones

Reuters

September 26, 2022 1:25 PM GMT+2 · Updated a year ago



Aa



Norskehavet

- 2019
- 2021

Barentshavet

Nordsjøen



Movements of russian survey vessel *Akademik Lazarev*, NRK

Norway's offshore energy infrastructures are potentially subject to different security/hybrid threats:

- Terrorism
- Espionage
- Sabotage
- Cyber attacks
- Disruption in management
- Disruption in functioning
- Disruption in supply chains



Are these criminal acts or 'armed attacks' enabling Norway to use force in exercise of its right of self-defence?

What is the legal basis under international law (in peace time) for Norway to prevent and suppress unlawful acts aimed at OEI?

How does Norwegian domestic legislation address the protection and suppression of unlawful acts against OEI?

What situations of violence at sea would amount to an 'armed attack' against Norway?

- Considerable ambiguity on the question of when the armed-attack threshold is met and, therefore, whether Article 51 of UN Charter is triggered.
- 3 criteria must be fulfilled:
 - There must be an armed attack
 - Necessity of self-defense
 - Proportionality in use of force
- Threshold for 'armed attack'? Generally understood to be more severe and significant than a use of force - scale and effects – gravity.

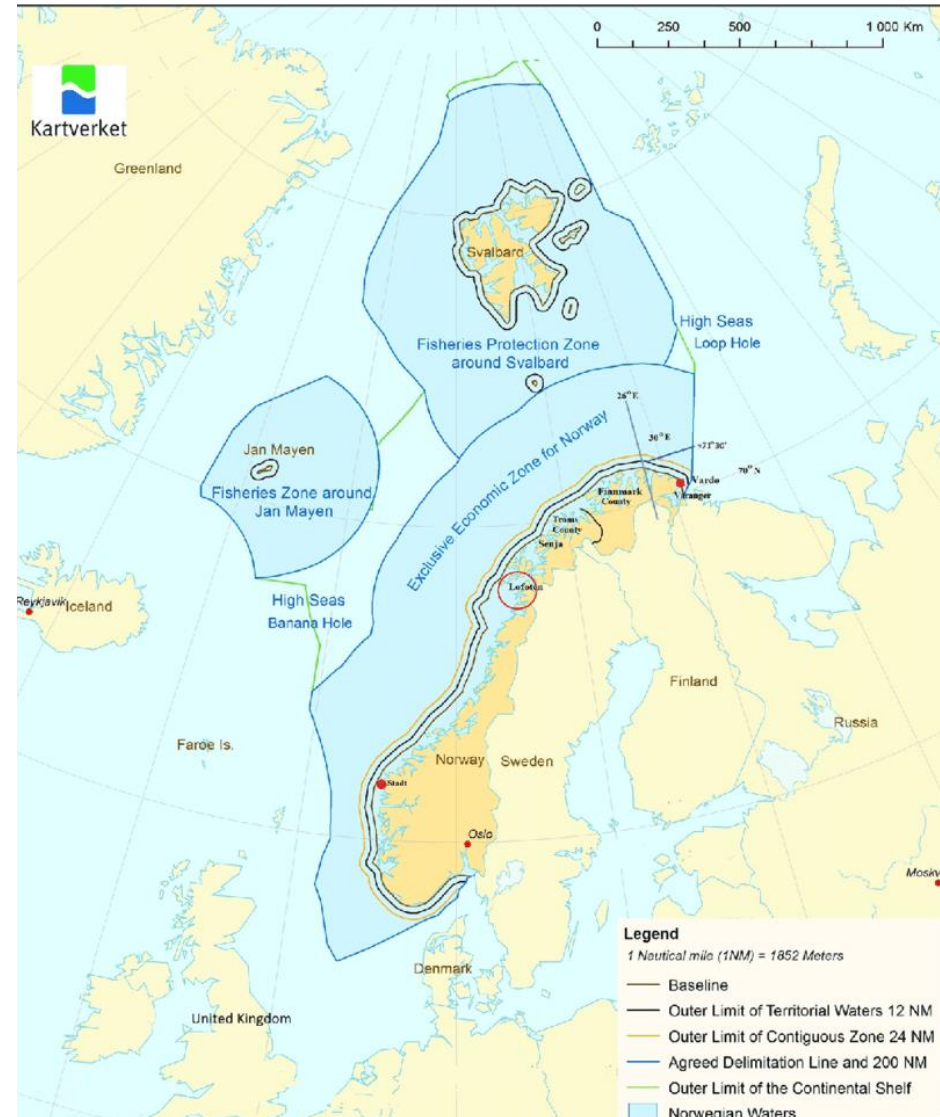
Article 5 North Atlantic Treaty (NATO)

"The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area

Law Enforcement - Legal Basis International Law

Territorial Sea

- Subject to sovereignty of Norway (Arts 2-3 LOSC)
- Norway has prescriptive and enforcement jurisdiction over activities and persons (national and foreign) in its territory
- Specific jurisdiction over acts aiming at destroying or damaging offshore installations (Art 21 LOSC)
- Can expel from the TS vessels committing any act aimed at interfering with installations in the TS (Art 19(2) LOSC)



Exclusive Economic Zone and Continental Shelf

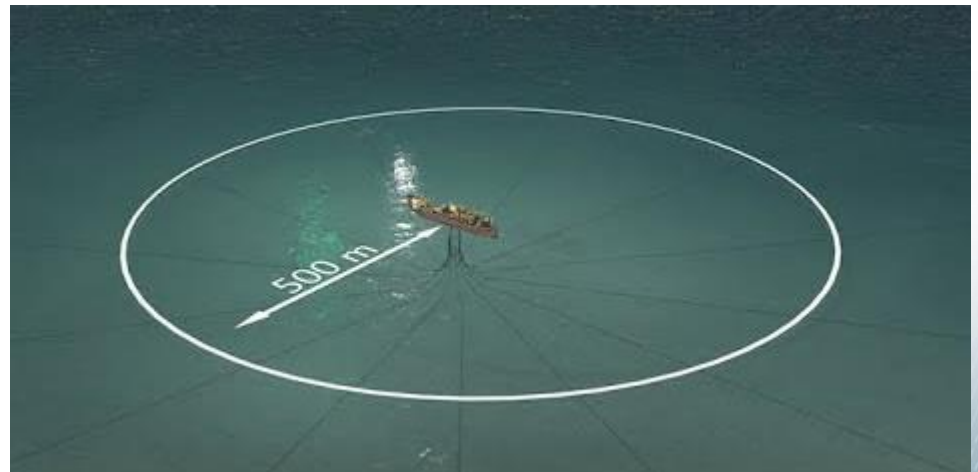
- EEZ and CS are not part of the 'territory' of Norway – no territorial sovereignty – prescriptive and enforcement jurisdiction limited to what is permitted under international law.
- In EEZ the flag State has exclusive enforcement jurisdiction over vessels flying its flag (Arts 92(1) and 58(2) LOSC) – limited exceptions for coastal State enforcement (e.g fisheries, pollution, MSR, piracy).
- Arts 60 and 80 LOSC expressly recognize coastal State's jurisdiction over installations and structures in EEZ/CS.

- Right to establish safety zones of 500 meters around installations and structures (Art 60(4) LOSC)

Can Norway take enforcement measures within and beyond those 500 meters?

Ships violating 500 meters safety zones/committing offenses in that area are breaching the law and Norway has the right to take 'appropriate' measures to ensure safety of the installations (Art 60(8) LOSC).

- *Arctic Sunrise Arbitration* – measures can include boarding, seizure, detentions of a vessel but must be necessary, reasonable, and proportionate.
- Enforcement outside 500m and not on the basis of hot pursuit (Art 111 LOSC) is not allowed.



- SUA Convention (Convention for the Suppression of Unlawful Acts against Safety of Maritime Navigation.
- SUA Protocol (Protocol for Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf)



Establish a comprehensive cooperation regime aimed at ensuring that appropriate judicial action is taken against persons committing unlawful violent acts against ships and against offshore platforms on the CS.

Legal Basis Norwegian Legislation

Act Relating To National Security (LOV-2018-06-01-24)

- Establishes rules for determination of critical national objects and infrastructures
- Establishes the system of management and protection of critical infrastructure
- Establishes who has the responsibility for protective security work
- Safeguards procurements and ownership related to critical national object or infrastructure

- **Act 29 November 1996 No.72 Act Relating to Petroleum Activities**

Section 9-3: licensee shall initiate and maintain security measures to contribute to avoiding deliberate attacks against facilities and shall at all times have contingency plans to deal with such attacks.

Section 9-4: Around and above facilities there shall be a safety zone unless otherwise decided by the Ministry. In the event of accidents and emergencies the Ministry may establish or extend safety zones.

- **Royal Decree 27 June 1997 Regulations to Act Relating to Petroleum Activities**

Section 10: Due to national security considerations the ministry may deny access to and the right to conduct petroleum activity if the applicant is de facto under control of a State outside the EEA or by citizens from such State.

- **Royal Decree 12 February 2010 Regulations Relating to Health, Safety, and the Environment in the Petroleum Activities and at Certain Onshore Facilities**

Chapter VIII on offshore safety zones:

- all platforms on the NCS are surrounded by a safety zone which normally extends to 500 meters out from the facility and from the seabed to 500 meters above the highest point on the facility.
- companies have to report to PSA on any risks, activities, objects, attacks, intrusions on the safety zones.
- In the event of violation of safety zones and in dangerous situations the operator can instruct, expel or even take physical measures.
- Infringing a safety zone may be punishable by law.

- **Norwegian Penal Code (LOV-2005-05-20-28)**

The criminal legislation also applies to acts committed

- a. on installations on the NCS and on pipelines and other fixed transport facilities connected to such installations, including ones located elsewhere than on the Norwegian continental shelf,
- b. In the Economic Zone of Norway, in the case of acts that harm interests that Norwegian jurisdiction is intended to protect, and
- c. on Norwegian vessels, including aircraft, and drilling platforms or similar movable installations.



Chapters 17-21

Criminalize attacks on infrastructures, acts of terrorism, sabotage, vandalism, high jacking, disruption of operations of installations on the NCS, hacking, cybercrime, etc. – imprisonment.

- **Norwegian Regulation on restrictive measures against Russia no. 1076 adopted 15 August 2014**
- **Act of 16 April 2021 No. 18 on the Implementation of International Sanctions (the Sanctions Act)**

inter alia

all aircraft controlled by Russian natural or legal persons, including “non-Russian-registered aircraft”, are prohibited from taking off from or overflying the territory of Norway.



This includes prohibition of flying drones – established by Supreme Court of Norway

Thank You!

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