Arctic Oil Spill Intervention: In Search of an Integrated Approach for the Arctic High Seas

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Introduction

- Areas lying North of the Arctic Circle at 66°33' North latitude
- General Provisions and Regulation of Operational Discharges
- **UNCLOS**: Part XII (Prescriptive and Enforcement Jurisdictions for Coastal States)
- Arctic States, IMO and voluntary discharge of oil and generic elements.

Source: The Arctic Institute, Center for circumpolar Security Studies (modified)

“Operational Discharge of Oil”

International Law

- MARPOL 73/78
- LC72 convention (the London Dumping Convention, Annex I: The “Black List” prohibits the dumping of crude oil)

National Law

Successfully enforced and operative under respective national legislation

Accidental Oil Pollution

- Oil and gas prospects will be explored in the Arctic
- Operational Discharge v. Accidental Oil Pollution
- The grounding of “Bahia Paraiso” in the Antarctic; the “Exxon Valdez” oil spill...

U.S. Geological Survey

The Arctic accounts for:

- 13 percent of the undiscovered oil
- 30 percent of the undiscovered natural gas, and;
- 20 percent of the undiscovered natural gas liquids in the world.
- About 84 percent of the estimated resources are expected to occur offshore

Arctic High Seas?

- Arctic high seas: large central area surrounding the geographical North Pole
- Common Heritage of Mankind
- The impact of oil on ice-waters is stated as being “long-term” (World Wildlife Fund, 2007)
- The Arctic coastal states rely on MOUs and regional or bilateral arrangements : already in place that provides a framework for co-operation among Arctic States under the OPRC.

Under OPRC 1995

- Offshore units i.e. fixed and floating offshore installation or structure have been included in the OPRC.
- The oil pollution emergency plans are to be co-ordinated with the national system in accordance with procedures established by the competent national authority.
- A significant feature of the OPRC lies in its effort to promote international co-operation

Joint Contingency Plans

- Canada-US Joint Marine Pollution Contingency Plan for the Beaufort Sea area.
- Russian-US Joint Marine Pollution Contingency Plan
- Russian-Norwegian Plan for the Combating of Oil Pollution in the Barents Sea.
- Canada-Denmark Agreement for Marine Environmental Cooperation.

Prevention & Response

- contingency plans “offshore” and “open ocean” (36 -60 hours) [International Oil Spill Conference Proceedings, 2014]
- Should prevention & response time in the Arctic high seas has to be lower and addressed as “immediate response”?

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Oil Spill Intervention for High Seas

- IMO: Intervention Convention, 1969 for accidental oil pollution on the high seas.
- Arctic high seas require oil spill intervention.
- No direct reference to the Arctic “ice covered areas” and only 4 Arctic States are signatories.
- Confusion and Complexity: Article III(d); “...without continuing consultations already begun”.

For a successful Intervention Plan

- Identify the scope of Oil Spill Intervention?
- Define “immediate response” in “intervention”.
- Define the high sea areas in the Arctic.
- Current steps to regulate fishing in the high seas within the Arctic is a good start.

For Intervention

Extend the agenda of the coast guards and maritime administrations covering an integrated intervention plan in the Arctic high seas and North Pole, which is located roughly 400 miles to the North of any land.

Integrated approach: Possible Solution?

- An integrated intervention approach can also refer to a regional approach.
- Arctic Council and its unique structure is considered to be a significant framework for the continuation of the development of such approach.
- Implement a regional intervention plan or a guideline: an integrated approach for the high seas.

Macro Regional Strategy: Analogy

- The Arctic maritime zones leading up to the North Pole is a heterogeneous area in economic, environmental and cultural terms.
- The EU “Macro-Regional” strategy for the Baltic-Sea Region is a unique example of regional co-operation.
- The aim of the strategy is to address common challenges by amalgamating individual regional potentials.

Towards Arctic Ocean Governance

- The rationale for developing a type of “Macro-Regional” Strategy for the Arctic is justified in the sense that the Arctic Council is guided by the objectives of saving the Arctic Ocean, connecting the Arctic states and increasing its prosperity and supporting sustainable development.
- Once established, the cohesive strategy would automatically set in place an integrated approach and then an integrated intervention strategy for the Arctic high seas.

Conclusion

- Arctic: No labels of PSSA.
- Arctic Navigation: Paradigm shift of using shorter sea-routes.
- Arctic Region: **Highly vulnerable** to oil spill and accidental discharge.
- Arctic Oil Spill Intervention: Inadequate and complex due to conflicting claims.
- Refinement and Revision: Needs immediate attention.