



SEMINAR:
**ITALIAN-FINNISH COOPERATION IN THE ARCTIC:
A GREAT OPPORTUNITY**

Session on:

***Environmental Protection, Sustainable Use of Resources,
Arctic Navigation***

Gianfranco Tamburelli
National Research Council of Italy (CNR)

- 12th March 2013 -

An aerial photograph of a mountain range, likely the Alps, showing a deep valley with a river and snow-covered peaks. The image is overlaid with a semi-transparent blue grid pattern.

Institute for International Legal Studies (ISGI)
Research Project
Environmental Law and Sustainable Development

***Evolution and
Implementation
of International Law***

***Legal System for the
Protection of the Environment
of the Polar Regions***

***Sustainable Management
of Protected Areas
- Unesco Designations***

ISGI - Arctic

Articles, Books

- ❖ *The Antarctic Legal System. **The Protection of the Environment of the Polar Regions***, ed. G. Tamburelli, Milan, 2008

Seminars, Lectures

- ❖ International Seminar on: ***Polar Regions. Trends and Challenges***, organized in cooperation with CARI and under the auspices of the Italian Embassy in Buenos Aires (Argentina, 2008)

Legal Counselling on **Arctic governance**

- ❖ participation with the Italian delegation in the Arctic Council meeting held in Tromsø, Norway, 2009, and
- ❖ the SAO meetings held in Lulea, Sweden (2011), Copenhagen, Denmark (2009), Kautokeino, Svolvær, and Narvik, Norway (2007-08) and
- ❖ the Euro-Barents Council held in Kiruna, Sweden (2011).

International Polar Year 2007-08

The IPY has provided a great opportunity for the development and strengthening of international scientific cooperation in the Arctic.

Its primary focus was on the over-arching issue facing us all - namely climate change and interactions of climate, oceans, ice, land, ecosystems and human society in the Arctic and Antarctic.

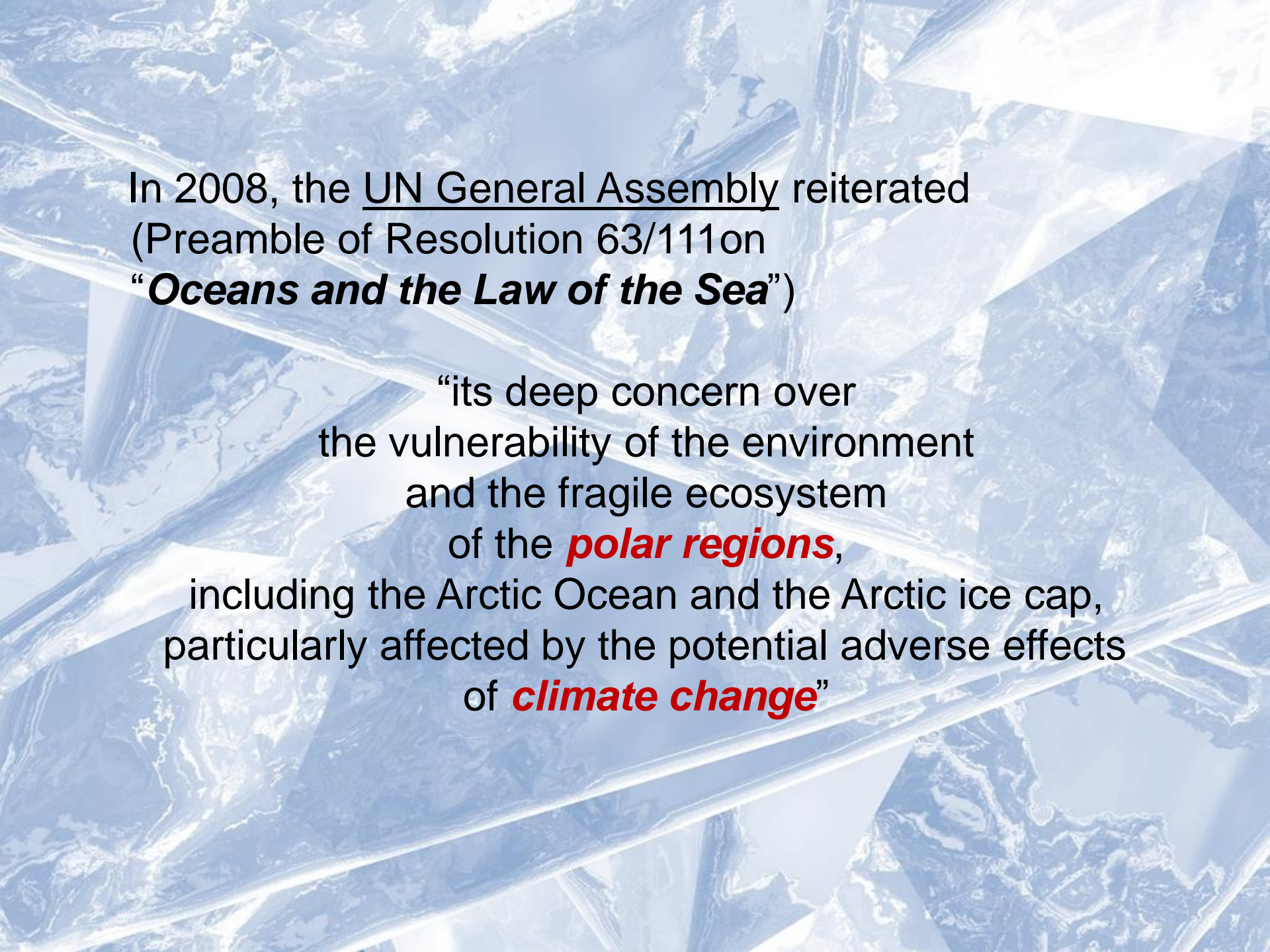
All of these were major initiatives that brought new insights into polar and global processes ...

... the 1957-08 IPY contributed to the creation of an innovative model of governance for Antarctica, based on scientific and political agreements.

... the 2007-08 IPY has been the first to include research on the Earth's natural systems and on human societies

The Arctic legal regime has not aroused any discussion in the UN context, but it is beginning to become an object of attention – for different reasons – for various specialized agencies and other international bodies, such as the

- **IMO** (International Maritime Organization) for the prevention and control of marine pollution from ships and the safety of maritime navigation),
- **UNEP** (UN Environment Programme), in relation to the implementation of MEAs and new strategies for safeguarding the regional environment,
- **UNESCO** (UN Educational, Scientific, and Culture Organization), because of the presence of a few world heritage sites and eligibility of new ones.



In 2008, the UN General Assembly reiterated
(Preamble of Resolution 63/111 on
“***Oceans and the Law of the Sea***”)

“its deep concern over
the vulnerability of the environment
and the fragile ecosystem
of the ***polar regions***,
including the Arctic Ocean and the Arctic ice cap,
particularly affected by the potential adverse effects
of ***climate change***”

In 2008 the **Governing Council of the UNEP** adopted an instrument on “**Sustainable Development of the Arctic Region**”, whereby it declared itself

*“extremely concerned over the impact of **climate change** on the polar regions, especially the Arctic, because of the likely impacts of high rates of projected warming on natural systems and indigenous and other communities as well as biodiversity ...”.*

It emphasized that

*“the **exploitation of Arctic resources** should be done in a sustainable manner, believing that the Arctic environment, its indigenous and other community and biodiversity benefit from the efforts of Arctic States and other interested States and stakeholders to ensure its protection and management with respect to commercial activities including shipping, fishing, oil, gas and mining operations ...”.*

Canada

The Federal Government is opening a vast new frontier for oil and gas activity in Nunavut's high Arctic with a call for companies to indicate their interest in bidding for exploration rights.

Environmental advocate William Amos said the federal government is rushing headlong into Arctic **oil and gas exploration** without taking into account environmental issues. *"They're moving forward with the process for auctioning off exploratory drilling rights without having gone through the comprehensive process to determine areas where drilling won't be allowed" ..*

... the federal environment commissioner, Scott Vaughan, issued a report criticizing Ottawa for driving resource development while failing to keep pace with environmental protection .. he said *Ottawa has failed to meet its international commitments to protect Canada's coastal waters*

UNEP Key Polar Centre and the Standing Committee for Parliamentarians of the Arctic Region (SCPAP)

Arendal Seminar on:

***Multilateral Environmental Agreements (MEAs)
and Their Relevance to the Arctic***

Final Statement

It requests governments in the Arctic region and institutions of the EU, *in the light of the impact of climate change, and the increasing economic and human activity, to initiate, as a matter of urgency,*

an audit of existing legal regimes that impact the Arctic and to continue the discussion about strengthening or adding to them where necessary

Arctic Legal Regime

No global or regional environmental agreement has an exclusive Arctic scope; however, several global treaties (or some of their provisions) are relevant to the Arctic

These global treaties and a number of multilateral and bilateral agreements and soft law acts addressing specific issues form, together with the applicable national legislations, the core of the Arctic legal framework for environmental protection and sustainable development

MEAS

Convention on Biological Diversity, 1992

Convention on Wetlands of International Importance Especially as Waterfowl Habitat, Ramsar, 1971

Convention for the Protection of the World Cultural and Natural Heritage, Paris, 1972

Convention on the Conservation of Migratory Species of Wild Animals (CMS), Bonn, 1979

Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), Washington, 1973

Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA)

CITES - Thailand

A proposal by the US to ban cross-border trade in polar bears and their parts was defeated last Thursday 7th March ..

There are about 25,000 polar bears left in the world with an estimated 16,000 living in the Canadian Arctic. ***Canada is the only country that permits the export of polar bear parts.***

Each year around 600 polar bears are killed there, mainly by native hunters. According to Inuit representatives, the pelts from around 300 bears are sold for rugs.

The US had proposed that polar bears be upgraded to CITES Appendix 1, meaning that no trade whatsoever could take place in their pelts, paws or fangs.

Canada stridently opposed the idea.

The contentious issue split the EU which attempted to table a compromise proposal .. when their alternative idea was rejected, the EU decided they would abstain as a block ..

The US Proposal garnered 38 votes in favor, 42 against and 46 abstentions.

MEAS - Marine Environment

- ***UN Convention on the Law of the Sea (UNCLOS)***
- *The UNEP Regional Seas Programme (UNEP/RSP)*
- *Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR)*
- *Global Programme of Action for the Protection of the Marine Environment from Land based Activities (GPA)*

Arctic Council - UNCLOS

1991 - the eight Arctic countries adopted an **Arctic Environmental Protection Strategy** (AEPS - Rovaniemi), the first true form of regional intergovernmental cooperation.

1996 - the Foreign Ministers of the same States agreed in the Ottawa Declaration to form the **Arctic Council** with a mandate to undertake a broad programme covering all dimensions of sustainable development.

In the **2009 Tromsø Declaration** the Arctic Council member States recalled that “***an extensive legal framework applies to the Arctic Ocean including, notably, the law of the sea, and that this framework provides a solid foundation for responsible management of the ocean***”.

EU - UNCLOS - Arctic

.. according to the EU,

*beyond areas of national jurisdiction,
the Arctic Ocean contains parts pertaining to
the high seas and the seabed
managed by the International Seabed
Authority*

Communication from the Commission to the
European Parliament and the Council - ***The
European Union and the Arctic Region***

MEAs

***Convention on Access to Information,
Public Participation in Decision-Making
and Access to Justice in Environmental Matters
(Aarhus Convention)***

***Convention on Environmental Impact Assessment in
a Transboundary Context (Espoo Convention)***

***Convention concerning Indigenous and Tribal
Peoples in Independent Countries (ILO 169)***

UN Conference on Sustainable Development Rio + 20

The Future We Want

162. We recognize the importance of the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction. We note the ongoing work under the auspices of the GA of the Ad Hoc Open-ended Informal WG to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. Building on the work of the Ad Hoc Open-ended Informal Working Group .. ***we commit to address, on an urgent basis, the issue of the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, including by taking a decision on the development of an international instrument under the UNCLOS.***

The European Union and the Arctic Region

Communication from the Commission ...

The EU is inextricably linked to the Arctic by a unique combination of history, geography, economy and scientific achievements.

Three Member States - Denmark (Greenland), Finland and Sweden - have territories in the Arctic.

Two other Arctic States - Iceland and Norway - are members of the European Economic Area.

Canada, Russia and the United States are strategic partners of the EU.

European Arctic areas are a priority in the ***Northern Dimension Policy*** which is the only EU policy with a declared Arctic component.

The Arctic

It seems that there are a number of priority problems, but the real question is whether

the improvement of legislation and praxis of the eight Arctic States, the strengthening of existing soft law and the development of international cooperation through bodies already active are sufficient,

or, on the contrary,

it would be preferable to negotiate and stipulate a *regional treaty*, internationally binding.



THANK YOU FOR YOUR ATTENTION !