Preventing Disaster as the Arctic Seas Open for Business

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When the time comes to act in the Arctic. National arena either on their own or as part of another agreement must be developed and readied to be introduced in the international system will focus on pushing forward environmental protections. Although, an Antarctic Treaty-like regime could come about to prevent the potential land grab. Regardless, the increased focus on the melting Arctic sea ice seems to indicate that a more binding legal regime than the Arctic Council needs to be created. In creating this regime though, a primary focus should be on environmental protections, rather than on natural resources harvesting, because the world as a whole needs to ensure that climate change will not wreak havoc on the Arctic environment, and consequently the rest of the world.

Conclusion

While the Antarctic and the Arctic share similar attributes and are often referred to together, they differ in many respects. The Arctic lacks the comprehensive legal framework that has protected the Antarctic environment. Currently, the Arctic environment has become a focus of concern as climate change, and the rapid rate at which the ice cap is melting, becomes a more prominent issue. However, there is not this level of concern for the Antarctic. Thus, now might be time to create binding laws, similar to those that protect the Antarctic environment, to protect the Arctic environment, and consequently the rest of the world.

The Arctic currently has relatively well-established protections, but the Arctic does not. Thus, as competition for emerging natural resources fuels new interest in the Arctic, and simultaneously climate change and IPY draw attention to environmental concerns in the region, there is a unique opportunity for both progress and peril. While environmental concerns could get lost in a battle for resources, it is also possible that the current political system will focus on pushing forward environmental agreements to prevent environmental change and protect the world. To not lose this battle, environmental protection plans must be developed and readied to be introduced in the international arena either on their own or as part of another agreement when the time comes to act in the Arctic.

Endnotes: A Tale of Two Poles continued on page 65

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by Michael W. Lore*

Vessels navigate freely in the port of Helsinki, Finland this winter as the usually busy icebreakers standby idle. The retreating ice is creating the once-fabled Northwest Passage, allowing goods to travel between Western Europe and Eastern Asia with a 4,000-mile shortcut through the Canadian Arctic. The Russian Northeast Passage is also becoming more accessible, creating a huge potential for increased shipping and fishing traffic throughout the entire Arctic region. As traffic increases, countries with jurisdiction over the Arctic should consider international agreements to protect against catastrophic oil or chemical spills in the region’s fragile ecosystems.

A looming environmental concern is that to save time and fuel, irresponsible or inexperienced crews on vessels of unregulated countries could crash single hulled containers in the shallow Arctic waters and spill oil or hazardous chemicals into the fragile sea and land ecosystems. A huge oil or chemical spill, under existing circumstances, would be difficult to prevent and practically impossible to clean up. Moreover, Arctic wildlife consists of a few varieties of species that are found nowhere else on Earth. These species mainly breed in clustered groupings, which expose them to extremely high risks from potential oil or hazardous chemical spills.

In anticipation of the melting ice, Russia has staked its claim to a huge area of the Arctic for oil and gas exploration, and Canada has asserted sovereignty over the Northwest Passage. However, the Arctic environment requires more protection than any individual state or existing international legal arrangements provide. Russia does not possess the capacity to clean up oil spills in temperate areas, let alone in the more difficult conditions that exist for oil clean-ups in the frigid Arctic waters. Canada is constructing three new ships to monitor the Arctic and has plans to lay a cable to detect passing vessels this summer, but these resources may not be adequate to monitor all vessels and will not greatly help in alleviating shipping accidents. Maps of the shallow Arctic seafloor are improving but they are far from adequate. Furthermore, there are no international environmental agreements to set standards to safeguard against the rising threat of hazardous shipping disasters in the Arctic.

Unlike Antarctica, which the UN declared non-commercial international territory with an enforceable protocol, the Arctic does not have an international protected status. The United

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The eminent increased human activity in the Arctic should spur Arctic countries to collectively create and monitor enforceable environmental regulations to mitigate the impending environmental pressures on the Arctic. Prevention of ecological disaster in the Arctic must be actively pursued. A reactionary response to an oil or chemical spill in the Arctic will amount to a frantic endeavor that will teach us how careless we must have been to allow the accident to occur in the first place. Failing to prevent this foreseeable environmental disaster would be international negligence.

Endnotes:

3 Davor Vidas, Protecting the Polar Marine Environment 11 (Cambridge Univ. Press 2000).
4 Vidas, id.
5 Westly, supra note 2.
6 Westly, supra note 2.
7 Monica Tennenberg, Arctic Environmental Cooperation 6 (Ashgate Publishing Co. 2000).
15 Canada to monitor Northwest Passage, supra note 10.
17 Tennenberg, supra note 7, at 95.
18 Tennenberg, supra note 7, at 85.