

## Editors' Note

# Arctic Law: Updates on Current Developments

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The development of international law as it applies to the Arctic has gained some momentum in the recent past. Current developments include the conclusion of an Agreement at the end of 2017 that would ban unregulated fishing in the Central Arctic Ocean for at least the next sixteen years. One of the objectives of the Agreement is to allow scientists to do more investigation and learn more about the largely unknown marine ecology of the Arctic high seas. The Agreement was concluded by nine nations, including five Arctic coastal states and four East Asian states, as well as the European Union (EU). Connected to this regional Agreement, it is important to note that a new global treaty, or the so-called Agreement on "Biodiversity Beyond National Jurisdictions" (BBNJ) is currently under negotiations at the United Nations level, and within the framework of the Law of the Sea (LOS) Convention. The objective of the potential treaty is to promote the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction. The potential Agreement does have particular significance for the Arctic Ocean, given that 20% of its marine areas fall outside of national jurisdictions. The potential Agreement has not placed the

Arctic Ocean as a focused area. Nonetheless, the potential BBNJ Agreement highlights specific concerns of maritime regimes that have distinct characteristics, such as the Arctic. However, it is yet to be seen how the negotiation processes will move forward, and to what extent the implications for the Arctic's marine BBNJ can be addressed within its framework.

Important legal developments have also been accomplished under the auspices of the Arctic Council. The most recent development includes the Agreement on the Enhancing International Arctic Scientific Cooperation, signed at the Fairbanks Ministerial meeting on 11 May 2017. Prior to this Agreement, the Arctic Council facilitated the conclusion of two other treaties – the Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic in 2013, and the Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic in 2011. The *Polar Code*, negotiated within the auspices of International Maritime Organization (IMO) entered into force at the beginning of 2017, and improves maritime safety and security, not only for navigation through the Arctic sea routes, but also for the Arctic's marine environment. Concerning the settlement of disputes on the outer limits of continental shelves in the Arctic Ocean, which previously resulted in tensions amongst the coastal states, the issue appears to have been peacefully addressed, and in compliance with the norms embodied in the LOS

Convention. Concerning human dimensions, local and indigenous peoples of the Arctic have continuously been striving to raise awareness on issues that affect them, and advocate for their rights in line with the framework of human rights law, and other policy frameworks. Today, representatives of Arctic indigenous peoples participate in negotiations in international law making, for example, in international negotiations concerning climate change laws. These significant legal developments have been progressively advanced in the Arctic.

While legal progress continues to develop, there are other remarkable advancements in the Arctic in terms of the expansion of human activities. Resource extraction, both onshore and offshore, are intensifying. Shipping routes along the Arctic coasts are increasingly open for longer periods of time, attracting larger volumes of cargo and increasing traffic. This progress offers both opportunities and challenges. New players, in particular the East Asian countries such as China, Japan, and South Korea, are increasingly engaging in Arctic affairs. These countries are becoming dependent on various forms of energy supplies from Arctic states, in particular Oil and gas from Norway and Russia. Most of these supplies are expected to be transported through the Northern Sea Route (NSR). China, for example, estimates that from 2020 onward, it will carry out approximately 15 % of its maritime trade through the NSR. On the 26<sup>th</sup> of January 2018, China released its White Paper on Arctic

Policy, highlighting its interests in the Arctic, with a special focus on expanding its trade and infrastructure networks through the creation of the Polar Silk Road along the NSR, as part of its Belt and Road Initiative (BRI).

Increased human activities bring economic incentives, but also produce new sources of pollution, which contributes to the acceleration of climate change, threatening the stable functioning of Arctic's eco-system services. The preservation of the Arctic's natural environment and biodiversity are important for all inhabitants, and in particular for indigenous peoples, whose relationship with nature and natural environment are vital to their sustenance. Therefore, macro level developments such as resource extraction, trade and investments, marine transportation, and the increasing engagement of actors from both inside and outside of the Arctic, have clear impacts on the local communities at the micro level. It is within this context that the United Nations Sustainable Development Goals (SDGs) are applicable to the Arctic (not only to the global south), to the extent that they fundamentally concern local and indigenous peoples. The Finnish Chairmanship of the Arctic Council has highlighted its willingness to endorse the SDGs in various projects led by Finland and/or other Arctic countries within its chair period. Consequently, legal developments also coincide with policy developments, and this combination can contribute to sustainable development in the Arctic

that favors the people and communities inhabiting the region.

This is the 5<sup>th</sup> Volume of the Current Developments in Arctic Law, and reflects a new and reformatted look. The Volume is an electronic book approximately one hundred and twenty pages long, and consisting of seventeen contributions on various topics. These papers represent both academic and non-academic contributions. While these contributions are not peer-reviewed, and opinions expressed therein are of those of the individual authors of each chapter, we firmly believe that the contributions offer interesting insights and updates on current developments in the Arctic, as well as ongoing projects that scholars with Arctic interests have been engaged with.

The Volume is produced by the leadership of the UArctic Thematic Network on Arctic Law – an association of scholars with a background in law and social sciences. We are thankful to the UArctic Thematic Network (TN) office and the members of the TN on Arctic Law for their continuous support. We are especially thankful to the contributing authors for their insights and updates on many interesting themes. Finally, we are grateful to Joëlle Klein and Marcin Dymet for their kind help with editing and proofreading. We hope that readers with an interest in the Arctic will find the Volume useful.

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