1. The Government’s policy towards the Arctic was set out in its Arctic Policy Framework: *Adapting To Change* published in October 2013. This note addresses issues raised by the eight questions posed by the Committee in its call for written evidence, along with other specific issues that the Committee has signalled an interest in during its earlier oral evidence sessions – namely, the United Nations Convention on the Law of the Sea (UNCLOS); enforcement of International Maritime Organization (IMO) regulations; and the Organisation for Security and Cooperation in Europe (OSCE).

What are the main issues arising from recent and expected changes in the Arctic region? How will these changes impact upon the Arctic, and what is the impact for the UK?

2. Climate change is the greatest threat facing the Arctic. The Fifth Assessment Report of the Intergovernmental Panel on Climate Change (2013 and 2014) clearly presents a compelling case supporting observed and projected changes resulting from continued emissions of greenhouse gases. The UK is a global leader on both pushing for reduced emissions of greenhouse gases and understanding its effects and is therefore playing a leading role in tackling the underlying causes of the rapid changes facing the Arctic.

3. There have been a large number of studies over the last decade looking at the regional and global impacts of climate change in the Arctic. For example, the Arctic Council has produced a number of authoritative assessments, including the 2004 *Arctic Climate Impact Assessment* and the 2011 *Snow, Water, Ice and Permafrost in the Arctic (SWIPA)* Assessment, to which the UK made major contributions; as well as a raft of more issue specific reports covering the impacts on both human and natural systems. The Government also refers the Committee to the written evidence submitted by the Natural Environment Research Council and the British Antarctic Survey for a fuller scientific consideration of the regional and global impacts.

4. The changes being seen in the Arctic matter to and are impacted by the UK. Non-Arctic States contribute to climate change and are sources of Arctic pollutants. But changes in the Arctic also impact on the UK and other non-Arctic States, through for example melting ice-caps, glaciers and ice-sheets contributing to global sea-level rise; changes in sea-ice and freshwater in the Arctic Ocean having the potential to impact on the UK’s weather and climate; or changes to Arctic habitats affecting migratory species from around the world, including the UK. The Arctic is also thought to hold around 25% of the world’s undiscovered hydrocarbons; has large deposits of rare earths used in the manufacture of high-end technology products; and has the potential for new global shipping routes between Europe and Asia; all of which affect global markets.
5. It is because of these impacts and the fact that the changes in the Arctic are still not fully understood that a central tenet of the UK’s policy towards the Arctic is to promote greater understanding of the region through international scientific collaboration and to promote policy development on the basis of sound science. An ongoing example of British scientists playing a leading role in directly addressing these questions is through the EU funded ICE-ARC project, which will directly assess the social and economic impact of Arctic sea-ice loss.

*Will changes in the Arctic lead to new economic and commercial opportunities? What are these opportunities, and how might they be delivered? What should be the role of the UK Government, of British businesses and of other sections of civil society?*

6. The changes being seen in the Arctic and the reduction in summer sea-ice in particular have led to growing commercial interest in the Arctic, from a diverse range of industries and an increasing number of countries. For example, in the report *Arctic Opening: Opportunity and Risk in the High North*, Lloyds, in association with Chatham House, estimated that the Arctic is likely to attract substantial investment over the coming decade, potentially reaching $100bn or more.

7. However, significant challenges remain for commercial operators in the Arctic. Some projected changes in the Arctic, such as increasing numbers of icebergs and stormier weather, can increase the risks to commercial activities. Decisions to invest in commercial projects are dependent on a number of complex factors, including political will, economic viability, legal regimes and patterns of investment. For some activities the costs and challenges involved may well preclude them from ever taking place.

8. Ultimately, the decision to invest in projects in the Arctic is a matter for the individual companies concerned and the relevant national authorities of the Arctic States in whose jurisdiction they take place.

9. The UK Government will encourage British business to engage directly with the Arctic States, the Arctic Council, indigenous peoples and other actors as appropriate. The UK will advocate for and facilitate responsible business activity in the region by British companies, including through its UK Trade and Investment (UKTI) services. For example, UKTI has promoted opportunities for British mining companies in the Arctic, including hosting a mining trade mission to Finland in March 2013; and an arctic mining conference in London in March 2014 that attracted over 100 companies involved in exploration and junior mining, construction and infrastructure, financial & professional services and equipment & machinery.
How should economic development be balanced with environmental protection in the Arctic? Are appropriate systems in place to ensure the correct balance is found and maintained? How should the UK be involved in establishing this balance?

10. Ensuring the sustainable development of the Arctic is part of the overall governance framework of the Arctic, which rests with the sovereign Arctic States, supplemented and complemented by international agreements and treaties. The regulation of commercial development in the Arctic is therefore a matter for the relevant national authorities in the Arctic States in whose jurisdiction they take place.

11. As part of this governance, the Arctic Council plays a valuable role in assessing the potential impacts of commercial development in the Arctic; helping build the science base to underpin decisions; promoting cooperation and collaboration; and in developing and disseminating good practice.

12. Businesses operating in the Arctic also have a role to play. The Arctic Economic Council (AEC), recently set up by the Arctic Council, has the potential to link business expertise and experience of operating in the Arctic with the decision-making of the Arctic Council. Businesses operating in the Arctic could help develop and share understanding of the Arctic environment; conduct genuine engagement with local Arctic communities; and develop an understanding of the risks and impacts involved with their operations.

13. The Government will support the use by the Arctic States of the highest standards of environmental regulation of commercial activities in the region. The Government will also play a leading role in international organisations involved with the development of international regimes of importance to the Arctic (see table at Annex B for examples of international regimes applicable to the Arctic) to help ensure high environmental standards apply to the Arctic, as elsewhere.

What are the human aspects of the expected climatic and economic changes in terms of local populations, current and future?

14. The area within the Arctic Circle is home to around four million people spread across the eight Arctic States. Indigenous peoples have lived in the Arctic for millennia. Different groups all have their own identities, cultures, languages and traditions. Indigenous groups are represented at the decision-making table of the Arctic Council and play a key role in steering its work.

15. The Arctic Council has long been concerned with the impacts that the changes in the Arctic are having on the people that live there and has undertaken an array of projects over the last decade. Examples include the Arctic Climate Impacts Assessment; Arctic
Human Development Report and follow up; and the Arctic Social Indicators projects, aimed at monitoring ongoing impacts and trends. British scientists are also active in this field, for example through the EU’s Arctic Climate Change, Economy and Society (ACCESS) project that will evaluate Arctic climate change scenarios and their impact on specific economic sectors and human activities over the next decades.

16. The UK Government respects the views, interests, culture and traditions of Arctic indigenous peoples and will use its observer status at the Arctic Council to support the right of its Permanent Participants to be heard at the decision-making level of the Council.

Are there sufficient data on the Arctic to make informed policy decisions? If not, where are the gaps and how should they be remedied?

17. Arctic research is a very active field not just within the Arctic States, but in the UK, the EU and other actors. However, given the scope and complexity of issues at play in the Arctic and their interconnectedness with global processes, large areas of uncertainty still remain. The Government refers the Committee to the written evidence submitted by the Natural Environment Research Council and the British Antarctic Survey for fuller consideration of the science gaps.

18. An important part in addressing gaps is through greater coordination and collaboration amongst the scientific community. The Arctic Council is trying to address this as it discusses options for improving scientific cooperation amongst the Arctic States through its Task Force on Scientific Cooperation. The Government also has in place Memoranda of Understanding on Polar science with Norway and Canada to enable greater cooperation between our scientists.

19. Many decisions are being made now regarding the development of the Arctic by Arctic States and the Arctic Council based on the research available. However, there is a continual challenge to both scientists and policy makers to ensure future research continues to be speedily translated into policy recommendations to help underpin sound decision-making. This is something that the Arctic Council has taken steps to address in recent years, with many of its more successful and recent reports containing summaries and recommendations for policy makers. The Government’s Science and Innovation Network is also actively involved in translating science into policy through its activities with Arctic States.

Are there climate change mitigation and adaptation strategies local to the Arctic that should be deployed or tested? What contribution can the UK make?
20. Climate change is the biggest threat facing the Arctic. The UK’s goal, shared by the EU and recognised by all countries following the 2010 UN climate summit in Cancun, is to establish clear objectives for reducing human-generated greenhouse gas emissions over time to limit the global average temperature rise to below 2°C above pre-industrial levels. The temperature rise in the Arctic would likely be considerably higher than this with subsequent regional and global impacts. The mitigation of greenhouse gas emissions therefore needs to happen on a global scale. The UK will continue to play a leading role in negotiating a legally binding global climate change agreement to be agreed in 2015; it will support action in other countries to build mitigation capacity around the world; and lead by example by cutting its own emissions of greenhouse gases by 80% below 1990 levels by 2050 through the Climate Change Act 2008.

21. Actions to reduce short-lived climate pollutants, such as methane and black carbon, are a crucial complement to reducing emissions of carbon dioxide, and have a particular relevance to the Arctic. The Arctic Council has established a Task Force for Action on Black Carbon and Methane, which is due to report to Arctic State Ministers in 2015. The UK has been actively involved in the work of the IMO to reduce black carbon emissions from shipping, an increasingly important source of local black carbon in the Arctic.

22. Adapting to climate change is emerging as an increasingly urgent concern as the impacts of climate change are becoming more apparent across the Arctic. The Arctic Council started a multi-phase Adaptation Actions for a Changing Arctic (AACA) project in 2012 looking at existing and future adaptation programmes and tools for the Arctic. The Arctic Council is also looking at the resilience of ecosystems and human communities to change, through a four-year Arctic Resilience Report and work on ecosystem-based management, which the UK has contributed expertise to. The WWF has also developed its Rapid Assessment in Circum-Arctic Ecosystem Resilience (RACER) project, which the UK helped pilot in Antarctica.

Are the current international governance and security arrangements appropriate for dealing with anticipated challenges in the Arctic? How should the UK support the Arctic states in their stewardship of the region?

23. The Government believes the current governance arrangements in the Arctic are working and provide a solid foundation for responsible management of the region.

24. Governance of the Arctic rests with the sovereign Arctic States supplemented and complemented by international agreements and treaties, in particular the UN Convention on the Law of the Sea. For the Committee’s information, further details on UNCLOS and the Arctic are attached at Annex A; examples of international frameworks and organisations of particular importance to the Arctic are at Annex B; and details on
how the IMO develops regulations applicable to shipping and how states enforce them are at Annex C.

25. The Arctic Council provides an excellent and appropriate addition to this framework, with a successful history of engendering cooperation and coordination on cross-boundary issues that affect the Arctic; sharing and disseminating good practice; and developing the evidence-base for policy decisions. The Council also provides for the participation of indigenous groups, ensuring that many of the issues of importance to the indigenous peoples are given priority in the work of the Council. The Arctic Council has adapted to the increasing priority attached to the Arctic, including by establishing a permanent secretariat and in 2013 granting observer status to a further six countries. The Arctic States have also agreed two legally binding agreements under the Council’s auspices on search and rescue and oil spill preparedness and response.

26. A peaceful, stable and well-governed Arctic is the bedrock on which all of the Government’s policies towards the Arctic are based. The Government is committed to preserving the stability and security of the Arctic region by supporting and respecting the sovereign rights of the Arctic States to exercise jurisdiction over their territory; supporting moves by the Arctic States that promote governance in conjunction with international law; and supporting the Arctic Council as the pre-eminent regional forum for discussing Arctic issues and the stability it provides for discussion amongst Arctic States. The UK also participates in the Arctic Security Forces Roundtable forum, which promotes security co-operation on issues such as situational awareness and search and rescue missions.

27. The Government notes the Committee’s interest in whether or not there might be a role for the Organisation of Security and Cooperation in Europe (OSCE) in the Arctic. Any role for the OSCE would need a mandate agreed by consensus of all OSCE participating States and the Government is firmly of the view that there is no role for the OSCE in the Arctic given the region’s current low tension and high degree of cooperation. Further background on the OSCE is attached at Annex D.

28. At the same time, the Government recognises that wider geo-political changes, combined with the uncertain effects of environmental and commercial pressures, could create potential security implications in the future. The Government is alert to these risks and maintains an active but proportionate horizon-scanning position in combination with international partners.

How effectively does the UK interact with Arctic governance structures? Is the UK Government’s approach, as set out in the Arctic Policy Framework, proportionate and appropriate?
29. The Government pursues its Arctic interests through a mixture of bilateral and multilateral engagement with the Arctic States and international organisations and fora with Arctic components. The UK is actively involved in negotiations in all the international organisations and fora listed at Annex B and has been instrumental in delivering many of the key global agreements that now apply to the Arctic.

30. Government policy is based on engagement with the governance structures that promotes and protects British interests and priorities as outlined in the Government’s Arctic Policy Framework. The Government balances the pursuit of these interests with the fact that the UK is not an Arctic State and has no territorial jurisdiction in the Arctic.

31. The Arctic Policy Framework set out the Government’s main Arctic interests and overall approach to the Arctic. However, given the rate and extent of the changes being seen in the Arctic, the Government is clear that its policy towards the Arctic be kept under review to ensure it remains current. The Government therefore welcomes debate about its Arctic policy and is looking forward to the Committee’s report in due course.

*September 2014*

International law of the sea is made up of those rules and principles which regulate relations between states in respect of the oceans and ocean resources. These rules are derived from treaty and customary international law.

Historically, beyond the jurisdiction exercised by coastal states over a narrow belt of sea surrounding a State’s coastline, the oceans were open to the unrestricted use by all states. However, by the middle of the twentieth century, some States started extending claims over the waters surrounding their coasts to exploit offshore resources. There was also growing concern over the toll taken by overfishing and concerns over the threat of pollution and waste from ships and oil tankers. These developments lead to calls for a more effective international regime and discussions started on a new treaty.

States begun by reaching agreement on a new treaty on the international law regarding the high seas in the form of the 1958 Convention on the High Seas but just a few decades later, States agreed a much wider-ranging treaty which remains the legal framework within which all activities in the oceans and seas must be carried out. That treaty was the United Nations Convention on the Law of the Sea (UNCLOS). It was concluded in 1982, but only came into force after the Agreement Relating to the Implementation of Part XI of the UN Convention was adopted in 1994. Part XI deals with management of mineral resources in the Area, that is the area beyond any state’s jurisdiction.

UNCLOS lays down a comprehensive regime of law and order in the world’s oceans, governing all uses of the oceans and their resources. It is now the globally recognised regime dealing with all matters related to the law of the sea with 166 States Parties and so a relatively small minority of States not being a party\(^1\). And the few states who are not a party tend to comply with the provisions of UNCLOS, many of which are thought to be customary international law (and therefore biding upon all States). The UK became a party in 1997.

**Maritime zones**

One of the important aspects of UNCLOS is that it sets out the rights and responsibilities of coastal states in the various maritime zones\(^2\).

In determining the extent of a coastal state’s maritime zones, it is necessary to first establish the points on the coast from which the zones are to be measured. The “baseline” is the line from which the outer limits of the maritime zones can be determined. The baseline forms the boundary between internal waters (the landward side of the baseline) and the territorial

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\(^1\) Some notable non-state parties include the USA, Turkey, Israel and Venezuela

\(^2\) Also see diagram on p10
sea (seaward side of the baseline). UNCLOS contains rules for determining how baselines should be drawn, including along heavily indented coastlines, across bays, and which features can be used to draw a baseline. For example, where a straight baseline has been drawn across a bay (in accordance with the method set out in the Convention), the internal waters are the waters within that bay.

**Internal waters**
States have territorial sovereignty over internal waters and there exists no general right of passage through them.\(^3\)

**Territorial sea**
In accordance with UNCLOS, a coastal state has territorial sovereignty over its territorial sea, and it also has sovereignty over the airspace over the territorial sea internal waters. The territorial sea may be established up to a limit not exceeding 12 nautical miles (nm) from baselines (rather than the historic 3nm limit).

**Archipelagic waters**
An archipelagic state\(^4\) may draw straight archipelagic baselines joining the outermost points of the outermost islands and drying reefs, providing that within such baselines the ratio of the area of water to the area of land, including atolls, is between 1:1 and 9:1, and providing certain conditions about the length of such baselines are met i.e. that they are not excessive.
The waters within the baselines are archipelagic waters.

**Contiguous Zone**
A contiguous zone may be claimed by a coastal state for the exercise of powers relating to customs, fiscal, immigration and sanitary purposes only. The zone is contiguous to and seaward of the territorial sea and may not extend more than 24nm from baselines. (The UK does not claim a contiguous zone.)

**Exclusive Economic Zone (EEZ)**
A coastal state can claim an EEZ extending up to 200nm from the baseline, with the inner limit being the outer limit of the territorial sea. Within the EEZ a coastal state has sovereign rights with respect to exploring, exploiting, conserving and managing natural resources (including fish) and certain economic activities (eg the production of energy from the waters, currents, winds), and exercises jurisdiction over marine scientific research and environmental protection. (Until recently the UK had four maritime zones within the 200nm

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\(^3\) One exception is where internal waters have been enclosed by a straight baseline regime through which a right of innocent passage can exist.

\(^4\) None of the Arctic States claim Archipelagic status under UNCLOS but some, by the drawing of straight baselines around their outer islands and calling the waters within those baselines internal, the effect is similar.
Continental Shelf
A coastal state has sovereign rights over its continental shelf for the purposes of exploring and exploiting its natural resources (e.g. hydrocarbons). The continental shelf comprises of the seabed and subsoil of the submarine areas that extend beyond its territorial sea, throughout the natural prolongation of the land territory, to the outer edge of the continental margin, or to a distance of up to 200nm when the continental margin does not extend that far. The rights of a coastal State over its continental shelf are inherent; they do not depend on occupation or express proclamation.

Where a State believes its continental shelf extends beyond 200nm, it is necessary to make a submission to the Commission on the Limits of the Continental Shelf (CLCS). The CLCS is a body establish by UNCLOS to consider those submissions. By its own Rules of Procedure the CLCS cannot consider submissions that are subject to an objection by third parties (these usually occur where there are overlapping claims). Where the continental shelf goes beyond 200nm, the rights of the coastal state over that part of the shelf extending beyond 200nm are slightly different. In particular, exploitation of non-living resources is subject to additional restrictions: payments or contributions in kind must be made to the International Seabed Authority, which shall distribute them to States Parties to the Convention on the basis of equitable sharing criteria taking into account the needs of developing states, particularly the least developed and landlocked amongst them (Article 82). As yet, no State is exploiting minerals on its continental shelf beyond 200nm, and the international rules about payment, and the distribution of funds need further elaborating before this Article could take effect.

The High Seas
UNCLOS applies its provisions on the High Seas to all parts of the sea that are not included in the EEZ, territorial sea, internal waters or archipelagic waters. The high seas are open to all States and no State exercises sovereignty there. The high seas include the waters over a coastal state’s continental shelf where that shelf extends beyond 200nm.

The Area
The Area is the term used in UNCLOS for the ocean floor, seabed and subsoil that is beyond the jurisdiction of any state. To put it another way, this is the part beyond the continental shelves of States.
Rights of other States within maritime zones

Ships of all states enjoy the right of innocent passage through archipelagic waters and the territorial sea. Innocent passage is defined in the Convention: generally speaking it should be continuous and expeditious although stopping and anchoring are included where they are incidental to ordinary navigation or necessary by force majeure or distress. Further, passage is innocent so long as it is not prejudicial to the peace, good order and security of the coastal state.

The ability to claim territorial seas of up to 12nm affects more than 100 straits used for international navigation, which could become entirely part of the territorial seas of the coastal states concerned. Hitherto, these straits had high seas corridors through them. To safeguard the rights of navigation, the right of transit passage through straits used for international navigation was included in UNCLOS. With some exceptions\(^5\) all ships and aircraft enjoy the right of transit passage which shall not be impeded. Transit passage means the freedom of navigation and overflight solely for the purpose of continuous and expeditious transit of the strait between one part of the high seas or an EEZ and another

\(^5\) Such as straits regulated by long standing international conventions.
part of the high seas or an EEZ, or for the purposes of entering or leaving a State bordering the strait.

Archipelagic states may also designate archipelagic sealanes, where the right of archipelagic sea lane passage, similar to transit passage in straits, applies.

Beyond the territorial sea, ships enjoy the right to freedom of navigation.

**How do the maritime zones relate to the Arctic?**

Principally, there is only a relatively small part of the Arctic that is not claimed by one or more coastal state as part of their EEZ or continental shelf, including beyond 200nm. Even so, the picture is not yet clear because more submissions to the Commission on the Limits of the Continental Shelf for shelves beyond 200nm are expected e.g. from Canada and from Denmark on behalf of Greenland. Also, while the United States is not a party to the Convention, it is unable to submit, but it has been conducting surveys in preparation for potential claims. When all possible claims are accounted for, there are likely to be some overlaps. UNCLOS provides guidance on the delimitation of maritime boundaries between states but it is open to interpretation and ultimately it is up to the parties to reach a negotiated agreement, or agree to be bound by some form of arbitration.

**Other disputes (not relating to overlapping claims)**

The way Canada applies rules over the use of the Northwest Passage for shipping first by (1) drawing straight baselines around all the northern islands resulting in all the waters to the landside of the baselines being internal; then (2) not accepting that the Northwest Passage is a route used for international navigation and is not therefore subject to transit rights; and finally, (3) using its interpretation of Article 234 on Ice Covered Areas, to apply its own regulations, including mandatory reporting and the requirement of permission for vessels to transit the area of the Northwest Passage.

Other states have disputed Canada’s claim to internal waters in (1) above. Others have also argued that the Northwest Passage is a strait used for international navigation giving ships the right of transit passage in (2) above. This requires coastal states wishing to apply vessel reporting and traffic schemes to submit their proposals to the International Maritime Organization for adoption. It also means that prior permission for transit would not be acceptable. Another state has also argued that requiring permission to transit does not meet the condition in Article 234 of having due regard to navigation in (3) above.

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6 This article gives coastal states the right to adopt and enforce non-discriminatory laws and regulations for the prevention and control of marine pollution from vessels in ice-covered areas, within the limits of their EEZ.
The apparent decrease of sea ice with climate change will reduce the geographical extent to which Article 234 can be used however as the sea ice cover remains extensive within the EEZ of Canada and Greenland it will be many more years before this article becomes redundant.

The way Russia has set out terms for navigation of the Northeast Passage has also been disputed by one state, for the same objections raised in relation to Canada’s Northeast Passage i.e. the drawing of straight baselines across Russia’s north coast including fringing islands, the lack of recognition of the right of transit passage in a strait used for international navigation and for the unilateral imposition of navigations regulations without submitting proposals to the International Maritime Organization for adoption. Part of Russia’s regulations includes restrictions on vessel class and the necessity to employ locally supplied ice-breakers and pilots.

**International Tribunal for the Law of the Sea**

States Parties to UNCLOS are obliged to settle disputes over the interpretation or application of UNCLOS by peaceful means in accordance with the Charter of the United Nations, whether by means of their own choice or by conciliation in accordance with Annex V to UNCLOS. If no settlement has been reached, recourse may be had to compulsory procedures entailing binding decisions. To this end all States may upon becoming party to UNCLOS select from a range of dispute settlement options: the International Tribunal for the Law of the Sea established under UNCLOS, the International Court of Justice, an arbitral tribunal constituted in accordance with UNCLOS or a special arbitral tribunal constituted for specific categories of disputes.
### Annex B: International agreements (or bodies with regulatory powers) of material relevance to Arctic debate

<table>
<thead>
<tr>
<th>Name of agreement</th>
<th>Category</th>
<th>Summary</th>
<th>Signatories</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Nations Convention on the Law of the Sea (UNCLOS)</td>
<td>Governance</td>
<td>Lays down a comprehensive regime of law and order in the world's oceans and seas establishing rules governing all uses of the oceans and their resources. It enshrines the notion that all problems of ocean space are closely interrelated and need to be addressed as a whole. The Convention comprises 320 articles and nine annexes, governing all aspects of ocean space, such as delimitation, environmental control, marine scientific research, economic and commercial activities, transfer of technology and the settlement of disputes relating to ocean matters. Separate briefing to follow.</td>
<td>166 ratifications, including all Arctic States except the United States, and the UK</td>
</tr>
<tr>
<td>International Maritime Organization</td>
<td>Shipping</td>
<td>A specialized agency of the United Nations, IMO is the global standard-setting authority for the safety, security and environmental performance of international shipping. Its main role is to create a regulatory framework for the shipping industry that is fair and effective, universally adopted and universally implemented.</td>
<td>Has 170 Member States, including all Arctic States and the UK, and three Associate Members</td>
</tr>
<tr>
<td>The Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR)</td>
<td>Environment</td>
<td>OSPAR is the mechanism by which fifteen Governments of the western coasts and catchments of Europe, together with the European Union, cooperate to protect the marine environment of the North-East Atlantic. It started in 1972 with the Oslo Convention against dumping. It was broadened to cover land-based</td>
<td>Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and United Kingdom</td>
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sources and the offshore industry by the Paris Convention of 1974. These two conventions were unified, up-dated and extended by the 1992 OSPAR Convention. The new annex on biodiversity and ecosystems was adopted in 1998 to cover non-polluting human activities that can adversely affect the sea.

### Regional Fisheries Management Organisations (RFMOs)

**Fisheries**

RFMOs are international organisations formed by countries with fishing interests in an area. Some of them manage all the fish stocks found in a specific area, while others focus on particular highly-migratory species. The organisations are open both to countries in the region (“coastal states”) and countries with interests in the fisheries concerned. While some RFMOs have a purely advisory role, most have management powers to set catch and fishing effort limits, technical measures, and control obligations. The two main geographical based RFMOs overlapping with the Arctic are the North East Atlantic Fisheries Commission (NEAFC) and the Northwest Atlantic Fisheries Commission (NAFO).

**NEAFC:**
Denmark*, European Union, Iceland, Norway, Russian Federation.

**NAFO:**
Canada; Cuba; Denmark*; European Union; France**; Iceland; Japan; South Korea; Norway; Russia; Ukraine; United States of America

*in respect of Faroe Islands and Greenland

**in respect of Saint Pierre and Miquelon

### Food and Agriculture Organisation of the United Nations

**Food supply/fisheries**

Three main goals are: the eradication of hunger, food insecurity and malnutrition; the elimination of poverty and the driving forward of economic and social

194 member countries including all Arctic States and the UK
progress for all; and, the sustainable management and utilization of natural resources, including land, water, air, climate and genetic resources for the benefit of present and future generations. Have a role regarding some RFMOs and the UN Fish Stocks Agreement.

| UN Fish Stocks Agreement | Fisheries | Full name is "The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks". The agreement sets out principles for the conservation and management of those fish stocks and establishes that such management must be based on the precautionary approach and the best available scientific information. The Agreement elaborates on the fundamental principle, established in the Convention, that States should cooperate to ensure conservation and promote the objective of the optimum utilization of fisheries resources both within and beyond the exclusive economic zone. | 81 ratifications, including all Arctic States and the UK |

| UN Framework Convention on Climate Change (UNFCCC) | Climate | International environmental treaty negotiated at the United Nations Conference on Environment and Development (UNCED), informally known as the Earth Summit, held in Rio de Janeiro from 3 to 14 June 1992. The objective of the treaty is to "stabilize greenhouse gas concentrations in the atmosphere at a level that | 196 Parties to the Convention, including all Arctic States and the UK |
would prevent dangerous anthropogenic interference with the climate system". The treaty provides a framework for negotiating specific international treaties (called "protocols") that may set binding limits on greenhouse gases.

| UN Convention on Biological Diversity (CBD) | Environment | The Convention establishes three main goals: the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising from the use of genetic resources. There is no specific focus on Arctic issues. However, pursuant to article 4 of the Convention, all the relevant provisions of the Convention apply to all areas within the limits of national jurisdiction, including the Arctic. The Arctic also often gets a specific mention within Decisions of the Conference of the Parties and a number of reports have been provided to the CBD on the topic. For example, Decision XI/6 contains a specific section on collaboration on arctic biodiversity. In addition, all cross-cutting issues, in particular the ecosystem approach, guidelines for the incorporation of biodiversity considerations in EIA and SEA procedures, are applicable to arctic ecosystems. | 194 Parties to the Convention, including all Arctic States except the United States, and the UK |

| Stockholm Convention on Persistent Organic Pollutants | Environment | Global treaty to protect human health and the environment from persistent organic pollutants (POPs). The Stockholm Convention is strongly linked to Arctic issues and the concerns of the Inuit and other | 179 Parties to the Convention, including all Arctic States and the UK |
indigenous peoples of the Arctic since Arctic ecosystems and indigenous communities are particularly at risk because of the biomagnification of persistent organic pollutants and that contamination of their traditional foods is a public health issue.

<table>
<thead>
<tr>
<th>Convention on the Conservation of Migratory Species of Wild Animals (CMS)</th>
<th>Environment</th>
<th>Aims to conserve terrestrial, marine and avian migratory species throughout their range. Parties to CMS work together to conserve migratory species and their habitats by providing strict protection for the endangered migratory species listed in Appendix I of the Convention. CMS has no specific focus on the Arctic region or Arctic issues. However, the range of many species of CMS interest includes Arctic areas, and these species depend on Arctic habitats/ ecosystems for at least part of their life cycle.</th>
<th>120 Parties. All Arctic States are Range States or Parties to the convention. The UK is a Party to the Convention.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convention on Long-range Transboundary Air Pollution</td>
<td>Environment</td>
<td>The aim of the Convention is to limit and, as far as possible, gradually reduce and prevent air pollution including long-range transboundary air pollution. The Convention has been extended by eight protocols that identify specific measures to be taken by Parties to cut their emissions of air pollutants.</td>
<td>51 Parties including UK and all Arctic countries</td>
</tr>
<tr>
<td>Convention on International Trade in Endangered Species</td>
<td>Environment</td>
<td>Aims to ensure that international trade in specimens of wild animals and plants does not threaten their survival, as well as addressing issues of illegal trade. Species are offered three levels of protection according to the level of threat posed by international trade.</td>
<td>180 Parties, including all Arctic States and the UK</td>
</tr>
</tbody>
</table>
CITES has no specific focus on the Arctic region or Arctic issues but species of CITES interest include those found in Arctic areas. The status of the Polar Bear under CITES is the subject of contentious and repeated discussion.
Annex C: How the International Maritime Organization develops regulations applicable to shipping; and how states implement and enforce them

As at August 2014, the International Maritime Organization (IMO) has 170 Member States. In addition, IMO meetings benefit from the contribution which is made by a wide range of observer delegations which have their own specialist knowledge and expertise. The IMO is the body which is best fitted to develop technical legislation applicable to the international shipping industry.

When legislation is developed in the International Maritime Organization it can either be in the form of an amendment to an existing instrument or it can be a new instrument.

If it is an amendment to the technical content of an existing instrument, then after the text has been adopted by the IMO it will, in the majority of cases, come into force after a specified number of months in accordance with the ‘tacit acceptance’ procedure – which means that the amendment comes into force unless a specified proportion of the States which are Parties to the instrument notify IMO of their objection within a specified period. The specified periods vary from one IMO instrument to another.

If it is a new instrument, then when adopted by the IMO the instrument will include entry into force provisions which normally require that a specified number of States, representing a specified percentage of world merchant shipping by gross tonnage have ratified the instrument. The precise entry into force requirements periods vary from one IMO instrument to another.

One of the fundamental principles of the IMO is the ‘no more favourable treatment’ principle. This means that when a ship of any flag comes within the jurisdiction of a State which is a Party to one of the IMO instruments, that State will apply the provisions of the instrument to the ship, irrespective of whether the ship’s flag State is also a Party. In that way, the ships of States which have not become a Party to IMO instruments are treated in a manner which is no more favourable than the ships of States which have become a Party to them. This also ensures that application of instruments and their implementation is uniformly applied in what is a truly global transport sector.

States exercise control over ships through their powers as flag States, coastal States or port States under the terms of the United Nations Convention on the Law of the Sea. The primary responsibility for ensuring that a ship complies with international legislation applicable to shipping lies with the flag State (see UNCLOS, Article 217). However, the flag State is not the only state which can enforce such legislation.

When a ship calls at a port of a State which is not its flag State, the State in which the port is located has powers to enforce international legislation either in its capacity as a port State (see UNCLOS, Article 218) or as a coastal State (see UNCLOS, Article 220).
Many flag States exercise their jurisdiction very responsibly over the ships which fly their flag. Each ship must be surveyed by or on behalf of the flag State on an annual basis, and deficiencies can be identified as part of that process. Infringements which are observed while a ship is operating at sea can be reported to the flag State, and enforcement action can be taken as a result.

Nonetheless, the Port State Control system is a useful backstop. Port State Control is the inspection of foreign ships in national ports to verify that the condition of the ship and its equipment comply with the requirements of international regulations and that the ship is manned and operated in compliance with these rules.
Annex D: The Organisation for Security and Cooperation in Europe (OSCE)

1. Today’s Organisation of Security and Co-operation in Europe (OSCE) is the successor to the Conference on Security and Co-operation in Europe (CSCE), established in 1973 as a forum for East-West debate during the Détente phase of the Cold War. The changed environment in Europe in the 1990s gave the Organisation, renamed the OSCE in 1994, a role to deal with the conflicts and threats to regional security and stability resulting from the break ups of the Soviet Union and Yugoslavia; and also to help former Soviet states and others in the transition to democracy.

2. The OSCE covers 57 participating States (pS), including the US and Canada, the EU, Russia and the former Soviet Union, the Western Balkans and Turkey. It offers a forum for political negotiations and decision-making on early warning, conflict prevention, crisis management and post-conflict rehabilitation, as well as the promotion of democratic development, good governance, media freedom, human rights and non-discrimination. It puts the political will of the participating States into practice through its unique network of 16 field operations. The OSCE employs about 450 staff in its primary institutions (mostly based in Vienna), as well as some 3,000 people in its field operations.

3. The OSCE’s comprehensive approach to security is based around three cross-cutting “dimensions” - politico-military (First) economic/environmental (Second) and human (Third). Participating States have adopted a series of political (not legally binding) commitments across the three dimensions – although the Conventional Arms Control (CONAC) regimes of four interlocking instruments which form the basis for conventional arms control and Confidence and Security Building Measures (CSBMs) across the Euro-Atlantic area: the Conventional Armed Forces in Europe (CFE) Treaty, the Open Skies Treaty and Article IV of the Dayton Peace Accords are legally binding. Decision-making is by consensus, so each State has an effective veto.

4. Each calendar year the OSCE is led by one participating State as the Chairmanship in Office (CiO). Switzerland hold the OSCE Chairmanship in 2014. The CiO has significant powers. It provides political leadership, has the power to initiate action, convene and appoint and has the ability to influence the course of negotiations. There are, however, important checks on these powers most notably the OSCE’s procedure of decision making by consensus.

OSCE and the Arctic

5. The Government is always looking at ways to ensure that UK contributions to the OSCE are used in the most effective and efficient ways to ensure value for money, to support modernisation, to maintain and sharpen focus in the OSCE on core issues and activities, and to shift resource within the OSCE in line with UK priorities. The Government is committed to making a full contribution to the work of the OSCE to protect and promote
human rights, particularly where democracy remains fragile or basic human rights appear under threat. In 2014 OSCE work has been dominated by the Ukraine crisis and the Government believes the OSCE exists to tackle exactly this type of challenge and is the best placed international organisation to facilitate dialogue between Ukraine, Russia and pro-Russian separatists, and have worked closely with the US, the EU and the Swiss Chairmanship in particular to support its role. This includes the Trilateral Contact Group which facilitated the recent ceasefire agreement in Minsk, and the Special Monitoring Mission (SMM) which is active across Ukraine, making contacts and facilitating dialogue in eastern regions where it is difficult for others to do so.

6. The Government also remain strong supporters of the OSCE’s institutions: the Office for Democratic Institutions and Human Rights (ODIHR) - particularly its election observation activities; the Representative on Freedom of the Media (RFOM); and the High Commissioner on National Minorities (HCNM). All of them play an important role in assisting participating States in the implementation of their OSCE commitments. To achieve all this the Government supports the need to limit expansion of the OSCE’s mandate and activities in certain areas; for example areas of the second (economic and environmental) dimension, where the UK has traditionally seen lower practical and political value and work would duplicate that of other organisations. The OSCE might not be best placed to assist directly in the Arctic, where other actors are active and more effective. Any decision to get involved with work in the Arctic would also need to be agreed by all 57 pS of the OSCE, which increases the tendency towards protracted decision making. It would also therefore need the full agreement of the eight Arctic States who are all pS of the OSCE.