Climate change and rising oil prices have thrust the Arctic to the top of the foreign policy agenda and raised difficult issues of sovereignty, security, and environmental protection. Improved access for shipping and resource development are leading to new international rules on safety, pollution prevention, and emergency response. Around the Arctic, maritime boundary disputes are being negotiated and resolved, and new international institutions, such as the Arctic Council, are mediating deep-rooted tensions between Russia and NATO and between nation states and indigenous peoples. *International Law and the Arctic* explains these developments and reveals a strong trend toward international cooperation and law-making. It thus contradicts the widespread misconception that the Arctic is an unregulated zone of potential conflict.

**Michael Byers** holds the Canada Research Chair in Global Politics and International Law at the University of British Columbia.
Established in 1946, this series produces high-quality scholarship in the fields of public and private international law and comparative law. Although these are distinct legal sub-disciplines, developments since 1946 confirm their interrelations.

Comparative law is increasingly used as a tool in the making of law at national, regional, and international levels. Private international law is now often affected by international conventions, and the issues faced by classical conflicts rules are frequently dealt with by substantive harmonization of law under international auspices. Mixed international arbitrations, especially those involving state economic activity, raise mixed questions of public and private international law, while in many fields (such as the protection of human rights and democratic standards, investment guarantees and international criminal law) international and national systems interact. National constitutional arrangements relating to “foreign affairs,” and to the implementation of international norms, are a focus of attention.

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General Editors
James Crawford SC FBA Whewell Professor of International Law, Faculty of Law, University of Cambridge
John S. Bell FBA Professor of Law, Faculty of Law, University of Cambridge

A list of books in the series can be found at the end of this volume.
International Law and the Arctic

Michael Byers

With James Baker
It is often said there are few truly untamed places left on Earth, but the windswept horizons of the Arctic surely qualify. Some political analysts maintain that the geopolitical landscape is equally harsh – a lawless region poised for conflict due to an accelerating “race for the North Pole.”

We disagree. Instead, we firmly believe that the Arctic can be used to demonstrate just how much peace and collective interests can be served through the implementation of the international rule of law. Moreover, we believe that the challenges in the Arctic should inspire momentum in international relations, based on co-operation rather than rivalry and confrontation, and we believe that important steps have already been taken toward this goal.

Russian Foreign Minister Sergei Lavrov and Norwegian Foreign Minister Jonas Gahr Støre, “Canada, Take Note: Here’s How to Resolve Maritime Disputes,” Globe and Mail, September 21, 2010
## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acknowledgements</td>
<td>xiv</td>
</tr>
<tr>
<td>Note on maps and measurements</td>
<td>xvi</td>
</tr>
<tr>
<td>List of abbreviations</td>
<td>xvii</td>
</tr>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>1 Territory</td>
<td>10</td>
</tr>
<tr>
<td>1 Hans Island</td>
<td>10</td>
</tr>
<tr>
<td>2 Svalbard</td>
<td>16</td>
</tr>
<tr>
<td>3 Greenland</td>
<td>22</td>
</tr>
<tr>
<td>4 Sverdrup Islands</td>
<td>24</td>
</tr>
<tr>
<td>5 Summary</td>
<td>26</td>
</tr>
<tr>
<td>2 Maritime boundaries</td>
<td>28</td>
</tr>
<tr>
<td>1 1973 Canada–Denmark Boundary Treaty</td>
<td>29</td>
</tr>
<tr>
<td>2 1990 Bering Sea Treaty</td>
<td>32</td>
</tr>
<tr>
<td>3 Maritime boundaries around Jan Mayen</td>
<td>36</td>
</tr>
<tr>
<td>4 2006 Greenland–Svalbard Boundary Treaty</td>
<td>38</td>
</tr>
<tr>
<td>5 2010 Barents Sea Boundary Treaty</td>
<td>39</td>
</tr>
<tr>
<td>6 Lincoln Sea boundary</td>
<td>46</td>
</tr>
<tr>
<td>7 Summary</td>
<td>55</td>
</tr>
<tr>
<td>3 Beaufort Sea boundary</td>
<td>56</td>
</tr>
<tr>
<td>1 Background</td>
<td>57</td>
</tr>
<tr>
<td>2 Resolution efforts</td>
<td>62</td>
</tr>
<tr>
<td>3 Canada’s legal position</td>
<td>63</td>
</tr>
<tr>
<td>4 United States’ legal position</td>
<td>67</td>
</tr>
<tr>
<td>5 Law of maritime boundary delimitation within 200 nautical miles</td>
<td>68</td>
</tr>
</tbody>
</table>
6 Law of maritime boundary delimitation beyond 200 nautical miles

7 Potential negotiating positions
7.1 Unilateral recognition of the other state’s position
7.2 Coastal length
7.3 Relevance of islands
7.4 Concavity of the coastline
7.5 Canada’s position beyond the EEZ
7.6 Inuvialuit Final Agreement: a complicating factor
7.7 United States’ position beyond the EEZ

8 Options for United States–Canada cooperation
8.1 Canada makes a preliminary or partial submission to the Commission on the Limits of the Continental Shelf
8.2 United States sends a “no objection statement” to the Commission on the Limits of the Continental Shelf
8.3 Canada and United States maximize combined EEZ rights with a “special area”
8.4 Multifunctional delimitation
8.5 Provision of economic access rights
8.6 Joint development arrangement

9 Russia–Canada maritime boundary in the Beaufort Sea?

10 Summary

4 Extended continental shelves
1 Continental shelf regime
2 Seafloor highs
2.1 Oceanic ridges
2.2 Submarine ridges and submarine elevations

3 Geomorphological and geological characteristics of the central Arctic Ocean
3.1 Lomonosov Ridge
3.2 Alpha/Mendeleev Ridge
3.3 Submissions, responses, and diplomacy

4 Options for submissions to the Commission on the Limits of the Continental Shelf
4.1 Full submission without coordination with other states
4.2 Exclude any disputed or potentially disputed area from the submission
4.3 Agree not to object to the Commission on the Limits of the Continental Shelf considering data 111
4.4 Coordinated submissions 112
4.5 Joint submission 112

5 Negotiating temporary lines or permanent boundaries before submitting 114
5.1 Negotiate temporary lines in advance of Commission on the Limits of the Continental Shelf submissions 114
5.2 Negotiate permanent boundaries in advance of Commission on the Limits of the Continental Shelf submissions 115

6 Options for maritime boundary delimitation 117
6.1 Delimitation of seafloor highs 118
6.2 Delimiting ridges with sector or distance formulae 119
6.3 Canada–Denmark boundary along the Lomonosov Ridge 120
6.4 Third-party dispute resolution 122

7 Non-Arctic states and Arctic continental shelves 125
8 Summary 126

5 Arctic Straits 128
1 Northwest Passage 131
1.1 Voyage of the SS Manhattan 134
1.2 Voyage of the USCGC Polar Sea 136
1.3 European Union and China 137
1.4 1988 Arctic Cooperation Agreement 139
1.5 Concerns about a precedent 141

2 Northern Sea Route 143
2.1 Vil’kitskii incidents 145
2.2 Opening of the Northern Sea Route 146

3 Assessment of Canada’s and Russia’s legal positions 148
4 Canada–Russia cooperation 150
5 Canada–United States cooperation 154
6 Bering Strait 157
7 Unimak Pass 159
8 Nares Strait 161
9 Multilateral mechanisms available to “strait states” 163

10 Submarine voyages 167
11 Summary 169
xii CONTENTS

6 Environmental protection 171
  1 Species protection 171
    1.1 Northern fur seals 171
    1.2 Polar bears 172
    1.3 Whales 176
  2 Fisheries 178
    2.1 Bering Sea “donut hole” 178
    2.2 Arctic Ocean Fisheries Organization 179
  3 Shipping 185
    3.1 Ship safety 185
    3.2 Ballast water 188
  4 Nuclear accidents 189
  5 Deep-sea mining 191
  6 Air-borne pollution 194
    6.1 Persistent organic pollutants 194
    6.2 Arctic haze 195
    6.3 Black carbon 197
  7 Oil spills 200
    7.1 United States 200
    7.2 Canada 201
    7.3 Norway 204
    7.4 Greenland 205
    7.5 Russia 207
    7.6 Liability for oil spills 209
    7.7 Agreement on oil spill preparedness and response 212
  8 Ecosystem-based management 213
  9 Summary 215
  7 Indigenous peoples 216
    1 Political participation and self-determination 218
    2 Indigenous rights and state claims 222
    3 Indigenous transnationalism and international law-making 225
    4 Circumpolar Inuit Declaration on Sovereignty 230
    5 Does sovereignty “begin at home”? 234
    6 Seal product exports 236
    7 Indigenous peoples and human rights 238
    8 Indigenous peoples and whaling 240
    9 Indigenous peoples and nuclear weapons 243
  10 Summary 244
## Contents

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>Security</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>De-escalating the Pole</td>
<td>248</td>
</tr>
<tr>
<td>2</td>
<td>China</td>
<td>254</td>
</tr>
<tr>
<td>3</td>
<td>Arctic nuclear-weapon-free zones</td>
<td>256</td>
</tr>
<tr>
<td>4</td>
<td>Non-state actors</td>
<td></td>
</tr>
<tr>
<td>4.1</td>
<td>Drug-smuggling</td>
<td>261</td>
</tr>
<tr>
<td>4.2</td>
<td>Illegal immigration</td>
<td>262</td>
</tr>
<tr>
<td>4.3</td>
<td>Trafficking of weapons of mass destruction</td>
<td>263</td>
</tr>
<tr>
<td>4.4</td>
<td>Terrorist attacks on aircraft</td>
<td>265</td>
</tr>
<tr>
<td>4.5</td>
<td>Protests against oil and gas infrastructure</td>
<td>267</td>
</tr>
<tr>
<td>5</td>
<td>Search and rescue</td>
<td>269</td>
</tr>
<tr>
<td>6</td>
<td>Summary</td>
<td>279</td>
</tr>
<tr>
<td></td>
<td>Conclusion</td>
<td>280</td>
</tr>
<tr>
<td></td>
<td><strong>Bibliography</strong></td>
<td>284</td>
</tr>
<tr>
<td></td>
<td><strong>Index</strong></td>
<td>297</td>
</tr>
</tbody>
</table>
Acknowledgements

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Several other sections draw on an earlier book of mine entitled Who Owns the Arctic? That much slimmer volume, published in 2009, was written for a non-academic Canadian audience. I am grateful to Scott McIntyre for his support of that effort, as well as the idea of a follow-up academic book on the international law of the circumpolar Arctic.

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Note on maps and measurements

This book contains only one map, specially prepared by Coalter Lathrop at Sovereign Geographic. It shows the different boundary lines preferred by the United States and Canada in the Beaufort Sea, and how those lines would continue beyond 200 nautical miles onto the extended continental shelf. Links to several other maps are provided in the footnotes. In particular, readers are encouraged to spend some time studying the following two maps:

1. The International Boundary Research Unit at Durham University maintains a superb map on “Maritime jurisdiction and boundaries in the Arctic region,” available at www.dur.ac.uk/resources/ibru/arctic.pdf.

2. The “International Bathymetric Chart of the Arctic Ocean” has been produced with input from researchers from ten countries, including Canada, Denmark, Iceland, Norway, Russia, Sweden, and the US. It provides an up-to-date and relatively comprehensive picture of the ocean floor, including the main “seafloor highs,” and is available at www.ngdc.noaa.gov/mgg/bathymetry/arctic/arctic.html.

As for measurements, this book uses nautical miles for maritime distances and areas, as is standard in the law of the sea. All other distances and areas are in kilometers, while depths are measured in meters.
Abbreviations

AIBWC  Alaska and Inuvialuit Beluga Whale Committee
AMAP   Arctic Monitoring and Assessment Program
ASRC   Arctic Slope Regional Corporation
AWPPA  Arctic Waters Pollution Prevention Act
BEAC   Barents Euro-Arctic Council
BRC    Barents Regional Council
BWM    ballast water management
CITES  Convention on International Trade in Endangered Species
CLCS   Commission on the Limits of the Continental Shelf
ECOSOC Economic and Social Council (UN)
EEZ    exclusive economic zone
EPA    Environmental Protection Agency
GATT   General Agreement on Tariffs and Trade
ICC    Inuit Circumpolar Council
ICJ    International Court of Justice
IMO    International Maritime Organization
INSROP International Northern Sea Route Program
ISA    International Seabed Authority
ITLOS  International Tribunal for the Law of the Sea
IWC    International Whaling Commission
NAFO   Northwest Atlantic Fisheries Organization
NATO   North Atlantic Treaty Organization
NEAFC  North East Atlantic Fisheries Commission
NEB    National Energy Board (Canada)
NOAA   National Oceanic and Atmospheric Administration
NORAD  North American Aerospace Defense Command
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORDREG</td>
<td>Northern Canada Vessel Traffic Services Zone Regulations</td>
</tr>
<tr>
<td>OPRC</td>
<td>Convention on Oil Pollution Preparedness, Response and Cooperation</td>
</tr>
<tr>
<td>OSCE</td>
<td>Organization for Security and Cooperation in Europe</td>
</tr>
<tr>
<td>PEARL</td>
<td>Polar Environment Atmospheric Research Laboratory</td>
</tr>
<tr>
<td>POAC</td>
<td>International Conference on Port and Ocean Engineering under Arctic Conditions</td>
</tr>
<tr>
<td>PSI</td>
<td>Proliferation Security Initiative</td>
</tr>
<tr>
<td>RAIPON</td>
<td>Russian Association of Indigenous Peoples of the North, Siberia and Far East</td>
</tr>
<tr>
<td>SAR</td>
<td>Search and rescue</td>
</tr>
<tr>
<td>SIPRI</td>
<td>Stockholm International Peace Research Institute</td>
</tr>
<tr>
<td>SLCP</td>
<td>Short-lived climate pollutant</td>
</tr>
<tr>
<td>SRR</td>
<td>Search-and-rescue region</td>
</tr>
<tr>
<td>TBT Agreement</td>
<td>Technical Barriers to Trade Agreement</td>
</tr>
<tr>
<td>UNEP</td>
<td>United Nations Environment Programme</td>
</tr>
<tr>
<td>UNESCO</td>
<td>United Nations Educational, Scientific and Cultural Organization</td>
</tr>
<tr>
<td>WMD</td>
<td>Weapon of mass destruction</td>
</tr>
<tr>
<td>WTO</td>
<td>World Trade Organization</td>
</tr>
</tbody>
</table>